United Nations A/HRC/39/15

General Assembly

Distr.: General
10 July 2018
English
Original: English/French

Human Rights Council
Thirty-ninth session
10–28 September 2018
Agenda item 6
Universal periodic review

Report of the Working Group on the Universal Periodic Review*

Cameroon

* The annex is being circulated without formal editing.

GE.18-11388 (E) 200718 200718

1811388

Please recycle

Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution/1, held its thirtieth session from to 7 to 18 May 2018. The review of Cameroon was held at the 15th meeting, on 16 May 2018. The delegation of Cameroon was headed by the Minister of External Relations, Mbella Mbella. At its 18th meeting, held on 18 May 2018, the Working Group adopted its report on Cameroon.

2. On 10 January 2018, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Cameroon: Iraq, South Africa and the United Kingdom of Great Britain and Northern Ireland.

3. In accordance with paragraph 15 of the annex to Human Rights Council resolution/1 and paragraph of the annex to Council resolution 16/21, the following documents were issued for the review of Cameroon:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/30/CMR/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/30/CMR/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/30/CMR/3).

4. A list of questions prepared in advance by Belgium, Brazil, Germany, Liechtenstein, Portugal, Slovenia, Spain and the United Kingdom of Great Britain and Northern Ireland was transmitted to Cameroon through the troika. These questions are available on the website of the universal periodic review.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. The head of the delegation greeted and thanked all the members of the troika, the representatives of South Africa, the United Kingdom and Iraq, for having accepted to be part of the troika, and assured them of the readiness of the Government of Cameroon to facilitate their work.

6. The head of the delegation committed to replying to the best of his ability to all the concerns raised and to considering the recommendations that would be made.

7. He thanked the treaty bodies, civil society organizations and all stakeholders in the universal periodic review process for their reports, in which they had called the Government's attention to certain aspects of its management of human rights. Their contributions during the preparation of the national report had been useful in understanding current challenges and identifying appropriate solutions.

8. Cameroon had accepted the ratification of seven international conventions under international human rights law and international humanitarian law at the second cycle of the universal periodic review, in 2013. The ratification process of the conventions was in progress and at an advanced stage.

9. Apart from the seven aforementioned conventions, between 2014 and 2016 Cameroon had ratified other instruments at the international and regional levels, such as the International Labour Organization (ILO) Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), the African Union Convention on Protection and Assistance to Internally Displaced Persons in Africa of 22 October 2009, and the African Union Convention on the Prevention and Combating Terrorism of 1999.

10. The independence and autonomy of the National Commission on Human Rights and Freedoms had been strengthened, particularly through the consolidation of human and financial resources. These positive developments would enable the National Commission to better fulfil its mission.

11. Further improvements had been made to the human rights framework and the conditions in which they were exercised. Emphasis had been placed on combating impunity and training law enforcement personnel.

12. In cooperation with the public authorities, the National Commission on Human Rights and Freedoms, civil society organizations and other stakeholders had held seminars and workshops on a regular basis to look into human rights issues, provide training and raise public awareness.

13. Human rights training for law enforcement officials had taken place on an ongoing basis. For example, the Office of Counter-Terrorism and OHCHR, in collaboration with the Government, were running a project whose phases I and II had ended in March/April 2018. The project consisted in providing law enforcement officials with capacity-building and training in the promotion and protection of human rights and respect for the law in the context of counter-terrorism.

14. Efforts to end impunity for law enforcement personnel had progressed considerably since 2013. In 2016, 175 proceedings had been initiated against law enforcement personnel and 14 convictions had been handed down by the military court in connection with the offences of endangering life or causing physical or mental harm. The penalties imposed were recorded in the annual report of the Ministry of Justice on the situation of human rights in Cameroon.

15. The adoption of two new laws on electronic communications and audiovisual activities had facilitated the exercise of the freedoms of expression and communication. Capacity-building sessions had been held to ensure that media professionals adhered to ethics rules.

16. Since the submission of its report, Cameroon had seen developments with the establishment, in February 2018, of the Constitutional Council. The Council had adjudicated disputes in connection with the senatorial elections of 25 March 2018, which had led to the election, for a five-year term, of the senators of the second Senate in the history of the Cameroonian parliament.

17. President Paul Biya and the Government had made every effort to advance economic, social and cultural rights, as well as civil and political rights. School enrolment figures had been rising steadily, while discussions on the establishment of a mechanism to ensure full coverage were ongoing. The goal was to improve the population's health, especially that of children, adolescents, women, persons living with HIV/AIDS and low-income individuals, by increasing the availability of health-care services and health practitioners.

18. A national multisectoral programme to reduce maternal, neonatal and infant and child mortality for the period 2014–2018 had been developed, along with several action plans, in particular with regard to mother and child health. The aim of the national multisectoral strategic plan to reduce maternal, neonatal and child mortality for the period 2014–2020 was to reduce maternal mortality.

19. Under the national strategic plan against HIV/AIDS and sexually transmitted infections for the period 2014–2017, the prevention of mother-to-child transmission through option B+ had begun in 2014. With support from the Joint United Nations Programme on HIV/AIDS (UNAIDS), capacity-building for outreach workers on mother-to-child transmission, voluntary screening and the referral of directly concerned pregnant women living in rural communities to prenatal and mother-to-child transmission prevention services had contributed to the optimization of interventions in rural areas; overall results were satisfactory.

20. In order to enhance the enjoyment of the right to health, a number of projects had focused on increasing the supply of drinking water by building and rehabilitating water

production and catchment plants and extending distribution networks in urban, peri-urban and rural areas. A human resources development plan for the health sector had been drawn up in 2013 with the aim of remedying the shortage of qualified professionals, estimated at 27,753 people, by 2018.

21. The enjoyment of the right to education had progressed considerably since 2013. Emphasis had been placed on providing free primary education by doing away with fees to boost enrolment rates, supporting needy families through the distribution of basic textbooks and clustering of school infrastructure in both rural and urban areas.

22. The school enrolment rate for girls had been promoted through awareness-raising campaigns and incentives, the awarding of scholarships and instructional kits to girls, the provision of snacks and the establishment of school cafeterias in priority education zones, the construction of separate latrines and a range of measures for combating gender-based violence in schools and child marriage.

23. Efforts to reduce poverty and improve the population's standard of living had taken the form of social safety net projects, labour-intensive public works, the Participatory National Development Programme and the second grass-roots poverty reduction subprogramme.

24. Efforts to reduce poverty and improve the standard of living, at a time of worsening economic constraints, had taken the form of assistance for chronically poor households, support for income-generating activities in various fields such as agriculture, the promotion of decent work and ongoing large-scale structural projects.

25. The delegation drew attention to the practical implementation of the three-year emergency growth and employment plan for the period 2014–2017.

26. Attention continued to be paid to the specific concerns of certain population groups with a view to achieving equality in practice. Electoral lists were required to take account of gender. Education incentives for underprivileged groups, as well as initiatives to counter stereotypes and end harmful practices and violence, had also been a focus of government efforts to enable target groups, namely underprivileged indigenous persons, women and persons with disabilities, to fully realize their potential.

27. In order to end discrimination against women and promote gender equality, the National Gender Policy Paper had been adopted in 2014, followed by a multisectoral implementation plan.

28. Cameroon had continued to implement its policy for the integration of persons with disabilities at the strategic and operational levels. The National Policy Paper on the Protection and Promotion of Persons with Disabilities and its related action plan for 2017–2021 had been updated.

29. Structural measures had been taken to deliver inclusive education and promote the empowerment and social and occupational integration of persons with disabilities. An interministerial committee tasked with monitoring the implementation of programmes and projects involving indigenous persons had been established in 2013 to coordinate initiatives designed for their benefit.

30. As an investment in the future, the preservation of human capital formed the background of efforts to protect children through initiatives to recognize their legal personality by streamlining the birth registration process, to protect them against violence, to address the situation of street children and to care for orphans and vulnerable children.

31. Improvement of detention conditions was the leitmotif of efforts to realize the rights of detainees not only by enhancing prison infrastructure and facilities but also by improving health and nutrition, for which budgetary allocations had been significantly increased.

32. Efforts to combat torture in prisons had centred on building the capacity of prison staff, monitoring and the imposition of sanctions. The choice of the National Commission on Human Rights and Freedoms as the national torture preventive mechanism was consistent with the goal of preserving the dignity of detainees.

33. During the period under consideration, cooperation with human rights mechanisms had continued. The fact that the State had submitted the requisite reports to the treaty bodies and had responded to various communications illustrated its openness to constructive comments likely to lead to improved respect for the human rights of persons under its jurisdiction.

34. The State had made no secret of the constraints that it faced, both economic and security-related, and which it had been striving to overcome through an inclusive approach that took account of the contributions of the various national actors and other partners. State support in that endeavour was strongly desired by partners, in order to consolidate unity, stability and territorial integrity.

35. Since 2014, the fight against Boko Haram, a terrorist group in the Far North region, and the sociopolitical situation in certain neighbouring countries had led to a large influx of refugees and internally displaced persons. As at October 2017, nearly 236,000 internally displaced persons and 332,000 refugees had relocated to the Eastern, Adamawa and Far North regions.

36. The social crisis in the North-west and South-west regions, which began at the end of 2016, had also affected the realization of certain human rights.

37. Dialogue and the obligation to protect territorial integrity, people and their property, and pacification characterized the response to the above-mentioned social crisis, aimed also at consolidating the government policy of promoting social harmony. In this sense, in addition to the responses to the claims being made, the institutional framework had been strengthened by the decision of the President to create a national commission for the promotion of bilingualism and multiculturalism.

38. Reconciling security and freedom remained a constant challenge for the State, as was the development of information and communications technology.

39. The head of the delegation reiterated the State's commitment to continuing the implementation of the recommendations that Cameroon had accepted in 2013 and those made at the current review.

40. Cameroon would continue to strengthen the good practices it had developed both during the implementation of the recommendations accepted at it its previous review and in the preparation of its third national report. These good practices included the drafting of a timetable of actions and of a road map for the implementation of recommendations, permanent consultations with stakeholders under the supervision of the Prime Minister's office, the briefing conducted by Cameroon with its international partners, and cooperation with the Subregional Centre for Human Rights and Democracy in Central Africa.

41. In addition to the expectations already expressed at the previous review on the capacity-building of actors in the field of human rights and the protection of prisoners, greater support for the fight against terrorism and more burden-sharing and care services and management of refugees were still being sought, as was for national initiatives to foster peaceful coexistence. Much more support for climate change adaptation policies was also desired.

B. Interactive dialogue and responses by the State under review

42. During the interactive dialogue, 76 delegations made statements. Recommendations made during the dialogue may be found in section II of the present report.

43. Italy appreciated the State's efforts to raise school enrolment rates, including for girls, its review of the Penal Code in 2016, including penalties for female genital mutilation, and its intensification of the fight against enforced marriage.

44. Madagascar welcomed the ratification by Cameroon of the Protocol to the African Charter on Human and Peoples' Rights and its adoption of article 242 of the Penal Code, while regretting the cases of discrimination against, inter alia, marginalized and indigenous children.

45. Mali noted with satisfaction the State's ratification of the ILO Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), the ILO Occupational Safety and Health Convention, 1981 (No.155) and the Paris Climate Agreement. It welcomed its adoption of the Penal Code.

46. Mauritius welcomed the State's decision to sign two international human rights instruments protecting the rights of persons with disabilities and of the child. It commended it for its dedicated national action plans for 2015–2019 and 2017–2021.

47. Mexico acknowledged the progress made by Cameroon in legislation and policies aimed at eliminating discrimination against women and regulating arms and munitions, and also its measures to universalize birth registration.

48. Montenegro welcomed the State's adoption of its National Action Plan for the Promotion and Protection of Human Rights in Cameroon (2015–2019). It urged Cameroon to strengthen the National Commission in accordance with the Paris Principles, and to criminalize female genital mutilation and forced marriages.

49. Mozambique commended Cameroon for having signed and ratified international and regional human rights instruments, its cooperation with treaty bodies and mechanisms and for its engagement with the special procedures.

50. Namibia praised Cameroon for the considerable measures it had taken on human rights, including the adoption of the National Action Plan, despite the security situation and the other challenges it faced.

51. Nepal noted the impact on human rights of the State's National Action Plan, and its promotion of equal access to education and health care. It wished Cameroon further success in curbing gender-based violence and discrimination against women, and in its empowerment of women.

52. The Netherlands welcomed the invitation extended by Cameroon to the special procedures, while expressing concern at reports of discrimination, violence, torture, ill-treatment, arbitrary arrest and detention in the English-speaking regions of the State.

53. New Zealand was pleased to note the State's participation in the thirtieth session of the universal periodic review.

54. The Niger welcomed the progress made by Cameroon in human rights, including its implementation of the National Action Plan for 2015–2019, capacity-building in the judiciary and its emergency plan for growth and employment for 2014–2017.

55. Nigeria commended Cameroon for having adopted and implemented its National Action Plan for 2015–2019, for fighting the impunity of law enforcement officials and for strengthening its promotion of bilingualism and multiculturalism.

56. Poland praised Cameroon for having signed the Convention on the Rights of Persons with Disabilities, and looked forward to the ratification and incorporation of the Convention into national law.

57. Portugal welcomed the fact that Cameroon had taken positive steps to improve its birth registration system, such as by establishing a national office for civil registration and extending the deadline for registration.

58. The Republic of Korea welcomed the ongoing efforts made by Cameroon to promote the right to health, and was pleased that it had signed the Convention on the Rights of Persons with Disabilities.

59. Rwanda praised Cameroon for its efforts to promote human rights, in particular women's rights, and to implement the recommendations made, and encouraged the Government to continue to fight gender-based violence.

60. Senegal welcomed the State's efforts to protect and promote human rights, by ratifying the ILO Occupational Safety and Health Convention, 1981 (No. 155), providing human rights training to police officers and organizing programmes to fight AIDS.

61. Serbia commended Cameroon for its efforts to organize educational talks for police officers, to establish a police force to assist victims and witnesses of human rights violations, and to fight impunity within the police.

62. Slovakia appreciated the efforts made by Cameroon to protect and promote human rights, but remained concerned about human rights violations reported in the English-speaking regions and allegations of torture of detainees suspected of terrorism.

63. Slovenia commended Cameroon for the amendments recently made to the Penal Code aimed at fighting discrimination and early and forced marriage, but was concerned about the persistence of different forms of violence against women.

64. South Africa welcomed the State's decision to adopt and implement the National Action Plan for 2015–2019.

65. Spain commended Cameroon for having strengthened its national human rights institutions, although it remained concerned about reports of cases of female genital mutilation, forced marriage and the criminalization of same-sex relations.

66. The Sudan praised Cameroon for its efforts to improve the protection and promotion of human rights, and appreciated the State's acceptance of most recommendations and its cooperation with human rights mechanisms.

67. Switzerland welcomed the State's decision to adopt the National Action Plan for 2015–2019, although it remained concerned about human rights violations in the anglophone crisis and within the context of the fight against terrorism.

68. Togo commended Cameroon for the significant progress made in the area of human rights, in particular the measures it had taken to fight poverty and to promote the socioeconomic development of rural and the most vulnerable groups.

69. Tunisia praised Cameroon for the progress it had made in the protection and promotion of human rights, and welcomed the steps taken to establish a national human rights commission.

70. Uganda commended Cameroon for its ratification of international and regional human rights instruments and the establishment of a national commission for the promotion of bilingualism and multiculturalism.

71. Ukraine acknowledged the achievements made by Cameroon since the second review cycle, but expressed concern about the worsening situation of human rights for the English-speaking minority.

72. Although concerned with the human rights violations in the English-speaking regions of Cameroon, the United Kingdom of Great Britain and Northern Ireland commended the State for its enactment of the new Penal Code and the application of provisions to address women's rights.

73. The United States of America expressed concern at reports of human rights violations and restrictions on the freedom of association and expression, and expected Cameroon to improve the conditions of detainees and to fight discrimination against vulnerable groups.

74. Uruguay commended Cameroon for its amendment to the Penal Code, the legislative steps taken to promote gender equality and the ongoing ratification of important conventions.

75. The Bolivarian Republic of Venezuela praised Cameroon for the implementation of its National Action Plan for 2015–2019 and for its national programme to fight maternal, neonatal and child mortality.

76. Viet Nam commended Cameroon for the progress made since the second review cycle, but pointed out the challenges that the State still faced in its fight against terrorism and climate change.

77. Zimbabwe congratulated Cameroon on its progress in implementing the recommendations made during the second review cycle, such as the adoption of the

National Action Plan for 2015–2019 and the development of an emergency growth and employment plan.

78. Afghanistan commended Cameroon for its commitment to implement the recommendations at the previous review cycle, such as on the ratification of the Convention on the Prevention and Punishment of the Crime of Genocide.

79. Algeria appreciated the State's commitment to the protection and promotion of human rights, including the adoption of the new Penal Code and measures to increase birth registration of disadvantaged children.

80. Angola commended Cameroon for its adoption of the National Action Plan for 2015–2019 and the national gender policy paper, and also for the measures it had taken to fight neonatal and child mortality.

81. Argentina commended Cameroon for its national action plan to the eliminate the worst forms of child labour, and for the measures it had taken to protect women's rights.

82. Armenia praised Cameroon for its implementation of recommendations on the promotion and protection of human rights and for the development of human rights education and awareness-raising programmes.

83. Australia commended Cameroon on its new Penal Code and its continuation of the moratorium on death penalty, although remained concerned about the persistence of prosecution and violence against minority groups, such as lesbian, gay, bisexual, transgender and intersex individuals.

84. Austria congratulated Cameroon on its adoption of the National Action Plan for 2015–2019, but expressed concern about the deteriorating situation of English-speaking communities in the country.

85. Although concerned at the repressive approach taken to the crisis in the English-speaking regions, Belgium commended the progress made by Cameroon in the field of women's rights.

86. Benin welcomed the State's ratification of the ILO Convention on Occupational Safety and Health, 1981 (No.155), the ILO Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) and the Paris Climate Agreement.

87. Botswana praised Cameroon for its adoption of the National Action Plan for 2015–2019, but was concerned about reports of political unrest and encouraged the Government to take action.

88. Brazil encouraged Cameroon to ratify the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities.

89. Bulgaria welcomed the progress made in legislative and institutional frameworks, public policies and the protection and integration of persons with disabilities.

90. Burkina Faso expressed satisfaction at the progress made in strengthening the legislative and institutional frameworks on human rights, in particular the adoption of the national child protection policy paper and the review of the Penal Code.

91. Burundi welcomed the Government's strategies in the fight against impunity and terrorism and its adoption of the National Action Plan for 2015–2019, but called upon Cameroon to improve school enrolment rates.

92. Canada expressed concern about the tensions in the English-speaking regions and the terrorist threats in the Far North region, although it understood the security challenges that Cameroon faced. It reminded the Government of Cameroon to uphold human rights in all circumstances.

93. Expressing concern at the climate of violence persisting in the English-speaking regions and the excessive use of force against protestors, Chile urged Cameroon to take steps to ensure a safe environment for the exercise of freedom of expression and association throughout the country.

94. China complimented Cameroon on its formulation and implementation of the National Action Plan for 2015–2019, and on its efforts to promote economic and social development, to reduce poverty and to protect the rights of vulnerable groups and refugees. China called upon the international community to support constructively the State in its efforts to fight terrorism.

95. The Congo acknowledged the strengthening of the regulatory framework and the State's adoption and implementation of the National Action Plan for 2015–2019, and invited Cameroon to continue its initiatives in favour of vulnerable populations.

96. Finland welcomed the progress made by the State in the promotion of women's rights, but was concerned at the deterioration of the overall situation of human rights, aggravated by anti-terror laws. Finland encouraged Cameroon to give access to international human rights mechanisms, including with respect to those held in detention.

97. France expressed its concern at the fact that the situation of human rights and of fundamental freedoms was not critically questioned in most parts of the country, and therefore called upon the State to pursue efforts to improve that situation.

98. Gabon welcomed the training on human rights provided to judicial officers and public administration executives, and also the efforts made to allow all citizens access to drinking water.

99. Georgia commended Cameroon for having ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and for its adoption of the national gender policy paper.

100. Germany appreciated the amendment made to the Penal Code, but remained concerned about the persistence of violence against women and at reports of violations of freedom of the press and the right to assembly in the English-speaking regions of Cameroon.

101. Ghana urged Cameroon to finalize its ratification of regional and international human rights treaties such as the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities.

102. Haiti praised the efforts made by Cameroon to ensure universal birth registration and the protection of children against sexual exploitation, and commended the review conducted in 2016 of its legal and institutional framework.

103. Honduras complimented Cameroon for having ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and for having criminalized discrimination.

104. While appreciative of the adoption of article 242 of the Penal Code prohibiting all types of discrimination, Iceland remained concerned about the high rate of maternal mortality and the gender-based conditions in force with regard to Cameroonian nationality.

105. India welcomed the strengthening of the National Commission on Human Rights and Freedoms, the plans for combating poverty, vulnerability and exclusion, the national gender policy paper and the amendment to the Penal Code.

106. Indonesia commended Cameroon for its ratification of relevant human rights instruments and its greater efforts to protect the economic and social rights of vulnerable groups, particularly women, children and persons with disabilities.

107. Iraq praised Cameroon for its implementation of the National Action Plan for 2015–2019 and the employment plan for 2014–2017, and also its efforts to guarantee drinking water and to prevent discrimination against women.

108. Ireland was pleased to note the steps taken by Cameroon to combat violence against women and children, but remained concerned about reports of violence and discrimination against members of the lesbian, gay, bisexual, transgender and intersex community and human rights defenders.

109. Morocco welcomed the ratification of the Optional Protocol to the Convention against Torture, and commended Cameroon on its efforts to provide human rights training and education, to fight impunity and to promote economic, social and cultural rights.

110. Libya praised Cameroon for having adopted and implemented the National Action Plan for 2015–2019, and also for having ratified the Optional Protocol to the Convention against Torture.

111. Lesotho praised Cameroon for the legislative measures it had taken, and its initiatives to cooperate with international and regional mechanisms for the promotion of human rights.

112. The head of the delegation thanked the delegations for their questions and recommendations and provided the following answers to some of the questions asked.

113. Cameroon had signed the Rome Statute, and internal procedures were under way in preparation for ratification. Cameroon maintained a fruitful relationship with the International Criminal Court, in particular in terms of judicial cooperation. It had hosted Court officials during their investigation missions in connection with human rights cases. Mutual assistance requests from the Office of the Prosecutor or the defence were executed by the Cameroon judicial authorities in cases in which the Cameroonian authorities had agreed to cooperate with the Court.

114. Furthermore, pursuant to significant legal reforms, serious crimes falling under the remit of the Court, such as war crimes, crimes against humanity and genocide, could now be prosecuted before the military courts following the adoption of Law No. 2017/012 of 12 July 2017 to lay down the Code of Military Justice.

115. Regarding impunity, violations of the prohibition of torture and ill-treatment had been reported and had been investigated, leading to disciplinary and judicial sanctions. Between 2013 and 2017, 100 police officers had been found guilty, following investigations, of acts of torture and cruel, inhuman or degrading treatment and had received heavy disciplinary sanctions, including reprimands, dismissal, delayed promotion, suspension and demotion. To supplement these measures, the national mechanism for the prevention of torture in places of deprivation of liberty was being established after the mandate had been assigned to the National Commission on Human Rights and Freedoms.

116. Concerning the death penalty, including in cases under counter-terrorism legislation, Cameroon had, in recent years, been the victim of attacks by terrorist groups such as Boko Haram. In response, it had authorized the death penalty for the most serious offences, in particular endangering innocent lives and jeopardizing the State and its institutions, on the basis of article 6 of the International Covenant on Civil and Political Rights, whereby the death penalty could be imposed for the most serious crimes. Notwithstanding the above, Cameroon had not carried out any executions since the 1990s.

117. As for the elimination of violence against women, including female genital mutilation and forced or early marriage, Cameroon had adopted a national gender policy paper in 2014 to promote gender equality, followed by a multisectoral action plan in 2016. The legal framework had been further strengthened by the adoption of the Law of 12 July 2016.

118. Concerning the fight against violence on children, the government and his partners have been working to protect children against violence by creating institutions, providing services for children victim of violence, carrying out awareness-raising activities, providing support for victims and by prosecuting alleged perpetrators. In 2017, the government adopted the National Child Protection Policy Paper which defines the strategic framework for the protection of children in Cameroon.

119. An interministerial committee on follow-up to recommendations and/or decisions of international and regional human rights mechanisms had been established under the Office of the Prime Minister in 2013. It received the recommendations accepted by Cameroon, which it then conveyed to the various relevant ministries for implementation. Their implementation was assessed at meetings where progress was noted and challenges were discussed with the aim of taking remedial measures.

120. Lastly, the elimination of child labour and the improvement of child health through immunization were matters that Cameroon took very seriously.

II. Conclusions and/or recommendations

121. **The following recommendations will be examined by Cameroon, which will provide responses in due time, but no later than the thirty-ninth session of the Human Rights Council:**

121.1 **Consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, with a view to abolishing the death penalty for all crimes (Italy);**

121.2 **Consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at the abolition of the death penalty, and culminating in the process of eradicating the death penalty (Uruguay);**

121.3 **Ratify the Second Optional Protocol of the International Convention on Civil and Political Rights (Rwanda);**

121.4 **Proceed with the abolition of the death penalty by ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights (Brazil);**

121.5 **Accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Togo);**

121.6 **Abolish the death penalty from its legislation definitively and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Chile);**

121.7 **Abolish the death penalty for all crimes and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (France);**

121.8 **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Australia) (Spain);**

121.9 **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, and commute all existing death sentences (Czechia);**

121.10 **Ratify the Convention on the Rights of Persons with Disabilities (Iraq);**

121.11 **Ratify the Convention on the Rights of People with Disabilities (Côte d'Ivoire);**

121.12 **Consider ratifying the conventions to which it is not yet a party, in particular the Convention on the Rights of Persons with Disabilities and its Optional Protocol and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Gabon);**

121.13 **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (France);**

121.14 **Speed up the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (Georgia);**

121.15 **Ratify the Optional Protocol to the Convention against Torture, the Convention on the Rights of Persons with Disabilities, the International Convention for the Protection of All Persons from Enforced Disappearance and**

the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Ukraine);

121.16 **Consider speeding up the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities (Mozambique);**

121.17 **Ratify and fully implement its obligations under the Convention on the Rights of Persons with Disabilities, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Second Optional Protocol to the International Convention on Civil and Political Rights (New Zealand);**

121.18 **Ratify without reservation the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities (Belgium);**

121.19 **Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Senegal);**

121.20 **Ratify the Optional Protocol to the Convention against Torture and establish a national preventive mechanism accordingly (Czechia);**

121.21 **Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and establish a national mechanism for the prevention of torture (Finland);**

121.22 **Consider ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Burkina Faso);**

121.23 **Move towards the ratification of the Optional Protocol to the Rights of the Child on the sale of children, child prostitution and child pornography (Democratic Republic of the Congo);**

121.24 **Consider ratifying the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Indonesia);**

121.25 **Take necessary measures to complete ratification of the Optional Protocol to the Convention against Torture, and ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Tunisia);**

121.26 **Move towards the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Democratic Republic of the Congo);**

121.27 **Ratify the Rome Statute of the International Criminal Court and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Austria);**

121.28 **Ratify the Rome Statute of the International Criminal Court (France);**

121.29 **Ratify the ILO Domestic Workers Convention, 2011 (No. 189) (Portugal);**

121.30 **Finalize its revision of the Civil Code, ensuring that the provisions on the rights of the child are harmonized with those of the Convention on the Rights of the Child (Senegal);**

121.31 **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance, the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention on the Rights of the**

Child on the sale of children, child prostitution and child pornography (Slovakia);

121.32 **Ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Slovenia);**

121.33 **Ratify and implement the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Botswana);**

121.34 **Ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Togo);**

121.35 **Ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Uganda);**

121.36 **Ratify the international human rights legal instruments to which it is not a party, and further strengthen its cooperation with the treaty bodies (Niger);**

121.37 **Adhere to the human rights treaties to which it is not yet a party, in particular the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Status of Refugees and the Convention on the Rights of Persons with Disabilities (Honduras);**

121.38 **Strengthen the work of the Technical Council on Labour Migration in examining the possibility of ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Indonesia);**

121.39 **Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and the Convention for the Protection of All Persons from Enforced Disappearance (Lesotho);**

121.40 **Complete the process of ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Uganda);**

121.41 **Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Congo);**

121.42 **Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness (Benin);**

121.43 **Ratify the Convention on the Prevention and Punishment of the Crime of Genocide (Armenia);**

121.44 **Speedily incorporate the international conventions ratified by Cameroon into national law, and implement action plans and laws (South Africa);**

121.45 **Accept visits by relevant special procedures, and facilitate monitoring and reporting to the Human Rights Council (Slovakia);**

121.46 **Continue to strengthen its policies in the field of human rights, especially economic, social and cultural rights (Bolivarian Republic of Venezuela);**

121.47 **Continue to implement awareness-raising activities on ownership of human rights principles by the various stakeholders (Ethiopia);**

121.48 Continue implementation of the National Action Plan for the Promotion and Protection of Human Rights (Sudan);

121.49 Provide the National Commission on Human Rights and Freedoms with adequate resources to enable it to carry out its mandate (Ghana);

121.50 Provide support for capacity-building and human rights actors (Sudan);

121.51 Adopt legislation to protect human rights defenders and journalists (Czechia);

121.52 Consider repealing provisions that criminalize homosexuality (Italy);

121.53 Pursue its efforts to strengthen civil and political rights as well as the social, economic and cultural rights of its people (Mauritius);

121.54 Expedite the establishment process of a formal framework for dialogue between civil society human rights organizations and the Government (Indonesia);

121.55 Continue its capacity-building programme for the State and civil society actors with respect to human rights (Mali);

121.56 Take further steps to finalize the various pending legislative and institutional initiatives that will contribute to the full enjoyment of human rights, including the national family policy paper and the national child protection policy paper, and update the Civil Code, among other things (Namibia);

121.57 Apply measures to strengthen national human rights institutions (Nepal);

121.58 Ensure transparency of and provide information on the human rights situation in the English-speaking region, inter alia by allowing the United Nations and national and international human rights institutions and organizations access to the region (Netherlands);

121.59 Grant the International Committee of the Red Cross or other reputable international agencies access to English-speaking separatist leaders extradited from Nigeria and detained incommunicado since January (United Kingdom of Great Britain and Northern Ireland);

121.60 Investigate all cases of disappearance of political opposition representatives, including members of the English-speaking minority, and take all adequate measures to find them and enable them to return safely to their homes (Poland);

121.61 Ensure the effective implementation of the official bilingualism policy in consultation with all stakeholders, in order to assure equal treatment to the English-speaking minority and to eliminate marginalization in all its forms (Haiti);

121.62 Redouble its efforts to effectively implement its bilingualism policy in order to ensure that the English-speaking population does not suffer from discrimination in employment, education or access to legal services (Honduras);

121.63 Observe the right of its citizens to express their views in dealing with the problems of the English-speaking provinces (Czechia);

121.64 Initiate a multi-stakeholder dialogue at the political level with the various stakeholders in the English-speaking communities in order to identify appropriate measures to respond adequately to the violence affecting the Southwest and Northwest areas of the country (Austria);

121.65 Expressly engage in a sustained dialogue with the representatives of the English-speaking community on the crisis in the North-west and South-west

regions of the country to reach a consensual solution that upholds human rights (Canada);

121.66 **Redouble efforts for the full and effective implementation of the official bilingual policy, and ensure that the English-speaking minority is not subject to inequality in access to public services, the administration of justice, and freedom of speech (Republic of Korea);**

121.67 **Mobilize resources and seek the international assistance necessary to enhance its capacity to uphold human rights, in line with its international obligations (Nigeria);**

121.68 **Take further positive measures to better protect the rights of women, children, persons with disabilities and other vulnerable groups (China);**

121.69 **Intensify efforts to combat discrimination against persons living with HIV/AIDS (Lesotho);**

121.70 **Adopt measures to eliminate discrimination against vulnerable senior citizens and persons with disabilities, in particular older women and women with disabilities (Ghana);**

121.71 **Continue efforts to combat all forms of discrimination against women and ethnic minorities (Senegal);**

121.72 **Continue efforts to combat discrimination against women and to promote gender equality and the implementation of the national strategy to combat gender-based violence (South Africa);**

121.73 **Adopt effective measures to eliminate all forms of discrimination against the most vulnerable and neglected groups of women, in particular older women, women with disabilities, rural women and refugee women (Madagascar);**

121.74 **Decriminalize homosexuality, punished under article 347 bis of the Penal Code (France);**

121.75 **Decriminalize same-sex relations by replacing article 347-1 of the Penal Code, and initiate a campaign to raise awareness in the public about homosexuality (Germany);**

121.76 **Decriminalize consensual same-sex conduct between adults, and take all necessary steps to protect the lesbian, gay, bisexual, transgender and intersex community from all forms of discrimination and violence (Ireland);**

121.77 **Review the Penal Code with a view to decriminalizing homosexuality (Spain);**

121.78 **Decriminalize consensual sexual relations between persons of the same sex, and combat discrimination and violence against lesbian, gay, bisexual, transgender and intersex persons (Mexico);**

121.79 **Decriminalize consensual sex between adults of the same sex, and any other discriminatory practice based on sexual orientation or gender identity, protecting lesbian, gay, bisexual, transgender and intersex persons and guaranteeing their fundamental rights (Uruguay);**

121.80 **Decriminalize consensual same-sex relations (Australia);**

121.81 **Ensure the protection and security of lesbian, gay, bisexual, transgender and intersex persons and of human rights defenders committed to their cause (Switzerland);**

121.82 **Decriminalize consensual same-sex sexual relations and immediately cease targeted discrimination and violence against lesbian, gay, bisexual, transgender and intersex persons (United States of America);**

121.83 **Eliminate discrimination on the basis of sexual orientation or gender identity and protect the lesbian, gay, bisexual, transgender and intersex community from violence and harassment (Netherlands);**

121.84 **Take the necessary measures to protect and prevent discrimination against lesbian, gay, bisexual and transgender persons, as previously recommended (Argentina);**

121.85 **Review laws that discriminate against women, in particular articles 1421 and 1428 of the Civil Code relating to the administration of family assets (Mexico);**

121.86 **Ensure universal birth registration without discrimination by developing information systems with solid databases that would include information on the number of people yet to be registered, creating mobile registration units to reach the most remote areas, and conducting campaigns to inform all families about deadlines and ways to register their children (Mexico);**

121.87 **Eliminate all discriminatory provisions from the Nationality Code relating to the acquisition of nationality by children born outside wedlock and the naturalization of children with disabilities (Portugal);**

121.88 **Ensure that women have equal rights to nationality as men under the Nationality Code (Republic of Korea);**

121.89 **Review the Nationality Code to ensure that men and women have equal rights in the area of nationality (Côte d'Ivoire);**

121.90 **Continue its efforts aimed at combating all forms of discrimination in its population (Nigeria);**

121.91 **Revise the antiterrorist law of 2014 in accordance with international human rights standards and obligations (Poland);**

121.92 **Formally abolish the death penalty by amending its Penal Code and counter-terrorism laws (Australia);**

121.93 **Review and amend the 2014 antiterrorism law to ensure that it is not used to restrict freedom of expression, assembly and association (Switzerland);**

121.94 **Review the texts relating to counter-terrorism by providing a more specific definition of terrorism (France);**

121.95 **Review, with the full participation of all stakeholders concerned, before the upcoming review cycle, the 2014 counter-terrorism law in order to harmonize it with all international standards on human rights and the right to a fair trial (Haiti);**

121.96 **Amend the 2014 antiterrorism law to bring the definition of terrorism into line with international human rights obligations and standards, repeal the death penalty, and end the use of military tribunals to try civilians (Canada);**

121.97 **Maintain the existing moratorium on judicial executions, and consider commuting all current death penalty sentences to other forms of punishment (Namibia);**

121.98 **Finalize the abolition of the death penalty (Ukraine);**

121.99 **Improve the implementation of the right to a fair trial and access to justice (France);**

121.100 **Comply with procedural rights in trials, thus ensuring a fair trial for everyone, also in cases of alleged terrorism (Germany);**

121.101 **Consider reasonable time frames for preventive detention (France);**

121.102 Combat impunity by undertaking prompt, independent, effective and impartial investigations into allegations of human rights violations and crimes under international law by those held to account in accordance with international fair trial standards and the rule of law and without recourse to the death penalty, and ensure redress for victims (New Zealand);

121.103 Acknowledge and investigate credible allegations of human rights violations and abuses, and hold those responsible to account (United States of America);

121.104 Allow independent international and regional human rights investigators unhindered access to investigate and monitor human rights violations, including through unannounced inspection visits, to all places of detention (New Zealand);

121.105 Take appropriate measures to align conditions of detention with international standards (Italy);

121.106 Pursue efforts to prevent torture and to improve prison conditions (Morocco);

121.107 Release all those arbitrarily detained, make every effort to ensure the human rights of prisoners and detainees are fully observed, and ensure an end to practices of torture and illegal detention (New Zealand);

121.108 Ensure that civilians are not tried by military courts (Poland);

121.109 Put an end to incommunicado detention and ensure that no person is deprived of liberty in secret or placed in unofficial detention facilities (Republic of Korea);

121.110 End the practice of incommunicado detention and ensure that no one is detained in a secret or officially unrecognized place, including unregistered military detention centres (Austria);

121.111 Carry out investigations into alleged torture and ill-treatment of detained persons, ban incommunicado detention and enact laws aiming at the prevention of torture in places of detention (Czechia);

121.112 Investigate thoroughly all cases of the use of excessive force against demonstrators and participants in public gatherings, and all cases of torture and illegal detention by security forces (Poland);

121.113 Lift unnecessary restrictions on freedom of assembly, investigate the alleged excessive use of force in dispersing demonstrations and ensure that arrested protestors receive a fair trial (Australia);

121.114 Take appropriate measures to ensure that security forces comply with international human rights laws and standards, including by conducting independent and transparent investigations into allegations of excessive use of force and by prosecuting perpetrators (Belgium);

121.115 Guarantee the protection of the civilian population by ensuring that reported cases of violations and abuses committed by the security forces are independently investigated and their perpetrators brought to justice (Switzerland);

121.116 Investigate all reported cases of violations and abuses, and hold perpetrators to account in accordance with the rule of law, in the context of concerns raised about arbitrary arrests, excessive violence and extrajudicial executions by government forces, armed groups against members of the country's English-speaking minority, and allegations of torture of detainees suspected of belonging to terrorist groups (Slovakia);

121.117 Endeavour to end all use of arbitrary arrest and detention of citizens, and the use of torture and other cruel treatment (Botswana);

121.118 Release prisoners deprived of their liberty for peacefully protesting (Poland);

121.119 Take the necessary legal measures, before the next elections, to enable electoral judges to consider as admissible copies of minutes submitted to parties in polling stations (Canada);

121.120 Fully respect, protect and fulfil the rights to freedom of expression, association and of assembly, including by lifting restrictions on mobile and Internet services unless provided for by law, and comply with international human rights law and standards on the use of force (New Zealand);

121.121 Ensure freedom of expression, freedom of access to information and the right to assembly (Spain);

121.122 Adopt measures to guarantee the freedom of the press and its diversity by allowing free access to media and information (Germany);

121.123 Ensure that any restrictions on freedom of assembly and demonstration are in line with international obligations (Austria);

121.124 Ensure the rights to freedom of expression, association and assembly for all, including journalists, human rights defenders and opposition party members, and lift any restrictions on these rights that are not in line with the provisions of the International Covenant on Civil and Political Rights (Finland);

121.125 Take all necessary measures to enable human rights defenders, journalists and other members of civil society to carry out their legitimate activities without fear of reprisal, and free of all restrictions (Ireland);

121.126 Respect the rights to peaceful assembly, and freedoms of association and expression, including when exercised online, and afford all of those detained all the rights enshrined in Cameroon's constitution and under international law (United States of America);

121.127 Adopt concrete measures to strengthen the participation of women and minority groups in public life (Angola);

121.128 Take steps for the adequate representation of women in political life, and encourage their economic empowerment (Bulgaria);

121.129 Consider after 2019 extending the decent work country programme signed with ILO in October 2014 (Haiti);

121.130 Support and enhance efforts to promote women's rights, paying particular attention to ensuring equal opportunities in the labour market (Mali);

121.131 Intensify efforts to improve work conditions for women workers (Iraq);

121.132 Continue efforts to ensure gender equality, in particular in the labour market (Tunisia);

121.133 Effectively implement the measures taken against violence against women and in the promotion of equality of men and women, particularly in access to employment (Djibouti);

121.134 Make a greater effort and devote more resources to programmes aimed at promoting employment for young people and women, especially through training and vocational education (Viet Nam);

121.135 Improve the implementation of social protection programmes that provide assistance to the most vulnerable Cameroonians (Djibouti);

121.136 Continue social programmes to combat poverty and inequality, in order to provide the best possible quality of life for its people (Bolivarian Republic of Venezuela);

121.137 Continue to promote economic, social sustainable development, implement poverty reduction strategies and raise people's living standards (China);

121.138 Continue to promote the health sector (Egypt);

121.139 Speed up the implementation of health coverage for all (Gabon);

121.140 Take measures leading to the eradication of all forms of discrimination in health-care settings, including in the context of HIV/AIDS, by ensuring that the Ministry of Public Health develops strategic documents that take into account the human right to health (Portugal);

121.141 Adopt comprehensive legislative and political measures to ensure access to health services for persons with HIV/AIDS and sexual and reproductive education for women and girls, particularly in rural areas (Honduras);

121.142 Strengthen the implementation of measures to prevent the transmission of HIV/AIDS from mother to child (Angola);

121.143 Provide a sufficient number of health centres and hospitals throughout the country (Serbia);

121.144 Continue to improve health infrastructure and access to health care, especially for the rural population (Togo);

121.145 Further intensify its efforts to ensure right of access to health care for all, in particular access to medical care for women (Viet Nam);

121.146 Take all necessary action to reduce maternal mortality (Afghanistan);

121.147 Decriminalize abortion and repeal section 339 (2) of the amended Penal Code to remove the requirement of obtaining certification from a prosecutor before an abortion can be legally obtained (Iceland);

121.148 Pursuant to the strategy paper for the education sector in Cameroon for 2013–2020, continue to increase the enrolment rate in primary and secondary schools and improve the quality of education (Bulgaria);

121.149 Continue efforts to implement the strategy paper for the education sector for 2013–2020 in order to improve school enrolment rates (Libya);

121.150 Guarantee all children an equal footing in access to free primary education (Congo);

121.151 Take further measures to improve children's access to education, without discrimination (Armenia);

121.152 Set up a national action plan and a strategy aimed at ensuring that minorities have access to appropriate school programmes that respect their way of life and their culture (Madagascar);

121.153 Ensure that access to education for children from minorities is guaranteed and respected, without discrimination (Madagascar);

121.154 Ratify the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention against Discrimination in Education (Madagascar);

121.155 Move towards the ratification of the UNESCO Convention against Discrimination in Education (Democratic Republic of the Congo);

121.156 Accelerate the process of the ratification of the Convention against Discrimination in Education (Afghanistan);

121.157 Adopt measures preventing sexual harassment by teachers and child marriage, which lead to high dropout rates of girls in secondary schools (Poland);

121.158 Step up efforts to raise the school enrolment rate for girls (Lesotho);

121.159 Take steps to effectively ensure the equality of girls and young women at all levels of education, and their retention in schooling (Portugal);

121.160 Take measures to provide free primary education and equal access for all children (Serbia);

121.161 Take measures to increase the attendance rate of girls in secondary education (Togo);

121.162 Ensure that girls and young women have equal access to all levels of education (Iceland);

121.163 Fully implement article 356 of the 2016 Penal Code, and criminalize all forms of violence against women and girls, including female genital mutilation and early and forced marriage (Namibia);

121.164 Continue to fight against female genital mutilation through the implementation of the five-year action plan adopted in 2011 and reviewed in 2016 (Burkina Faso);

121.165 Strengthen its efforts to promote women's rights, particularly in combating gender-based violence and discriminatory practices related to marriage, and collect data disaggregated by gender (Brazil);

121.166 Fight further against the practice of early and forced marriage (Belgium);

121.167 Complete the drafting of the national family policy paper in order to adequately address the issue of early and forced marriage (Zimbabwe);

121.168 Repeal all discriminatory provisions in marriage and family relations, and adopt legal provisions that criminalize female genital mutilation (Spain);

121.169 Pursue all efforts to enhance women's empowerment (Egypt);

121.170 Take necessary measures to ensure effective access to justice for women (Ukraine);

121.171 Continue efforts to eliminate discriminatory and harmful traditional practices against women and girls (Nepal);

121.172 Assign human, technical and financial resources to the national action plan against female genital mutilation in order to protect the human rights of women and girls (Honduras);

121.173 Strengthen the implementation of legislation and policies aimed at ending harmful traditional practices, in particular child, early and forced marriage and female genital mutilation, and ensure that cases of domestic violence are investigated and prosecuted (Rwanda);

121.174 Adopt legal provisions specifically criminalizing female genital mutilation, breast ironing and discriminatory widowhood rites, and include adequate sanctions for perpetrators of such acts (Iceland);

121.175 Strengthen measures to investigate and punish perpetrators of practices or acts of violence against women, such as female genital mutilation and forced marriage (Argentina);

121.176 Intensify awareness-raising campaigns throughout the territory to eradicate the practices of female genital mutilation and forced marriage, involving all social actors, including religious and community leaders (Chile);

121.177 Continue to combat early and forced marriage by raising awareness of families and local communities (Libya);

121.178 Strengthen the fight against gender-based violence, including domestic violence (Algeria);

121.179 Adopt a law on violence against women, and repeal legal provisions that eliminate the crime of rape if the perpetrator marries the victim (Spain);

121.180 Prohibit all forms of domestic violence against women, especially rape in marriage, as the new Penal Code does not cover all forms of violence against women (Germany);

121.181 Redouble efforts to eliminate any form of discrimination and violence against women, implementing positive actions and awareness-raising campaigns on the subject (Uruguay);

121.182 Provide women greater access to legal resources, and psychosocial and medical assistance (Spain);

121.183 Continue to prioritize child protection as a fundamental priority for the State (South Africa);

121.184 Ensure full and effective implementation of the 2017 national action plan for the elimination of the worst forms of child labour (United Kingdom of Great Britain and Northern Ireland);

121.185 Accelerate the process of updating the Civil Code with a view to enhancing the protection of children's rights (Zimbabwe);

121.186 Revise current legislation to explicitly prohibit corporal punishment of children in all settings, including at home (Montenegro);

121.187 Enact legislation to prohibit corporal punishment of children in all settings (Namibia);

121.188 Establish the minimum age for marriage at 18 years for both girls and boys (Montenegro);

121.189 Continue to fight early child marriage (Tunisia);

121.190 Pursue efforts to combat early or forced marriage and violence against children (Morocco);

121.191 Adopt public policies to eradicate the recruitment of children by armed groups, including strategies for the rehabilitation and reintegration of such children into society in accordance with international human rights standards (Chile);

121.192 Redouble efforts to arrest and bring to justice the perpetrators of the kidnapping of children for the purpose of selling organs or magic practices (Congo);

121.193 Further continue the implementation of its policy for the integration of persons with disabilities at the strategic and operational levels (Ethiopia);

121.194 Strengthen its policies towards ensuring full protection for the rights of minorities (Georgia);

121.195 Take the necessary measures to protect refugee and displaced women against all forms of exploitation (Algeria);

121.196 Allow and facilitate unhindered humanitarian assistance wherever required to provide relief for the affected population (United Kingdom of Great Britain and Northern Ireland).

122. **All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

Annex

Composition of the delegation

The delegation of Cameroon was headed by H.E MBELLA MBELLA, Minister of External Relations and composed of the following members:

- H.E Anatole Fabien Marie NKOU, Ambassadeur, Representant Permanent du Cameroun aupres des Nations Unies à Geneve;
- Monsieur Aimé Parfait BIKORO, Chargé de Mission, Premier Minister;
- Madame Helene GALEGA, Directeur des Droits de l'Homme, Magistrate, Ministere de la Justice;
- Madame Cecile MBALLA EYENGA, Directeur des Nations Unies, Ministere des Relations Exterieures;
- Monsieur Aurelien ETEKI, Directeur des Affaires d'Europe, Ministere des Relations Exterieures;
- Monsieur Bertin BIDIMA, Premier Secretaire, Mission Permanente du Cameroun, Geneve.

United Nations A/HRC/39/1

General Assembly

Distr.: General
11 July 2018

Original: English

Human Rights Council
Thirty-ninth session
10–28 September 2018
Agenda item 6
Universal periodic review

Report of the Working Group on the Universal Periodic Review*

Cuba

* The annex is being circulated without formal editing, in the language of submission only.

GE.18-11471(E)

1811471

Please recycle

Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its thirtieth session from 7 to 18 May 2018. The review of Cuba was held at the 16th meeting, on 16 May 2018. The delegation of Cuba was headed by the Minister of Foreign Affairs, Bruno Eduardo Rodriguez Parrilla. At its 18th meeting, held on 18 May 2018, the Working Group adopted the report on Cuba.

2. On 10 January 2018, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Cuba: Egypt, Nepal and Peru.

3. In accordance with paragraph 15 of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, the following documents were issued for the review of Cuba:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/30/CUB/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/30/CUB/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/30/CUB/3).

4. A list of questions prepared in advance by Belgium, Brazil, Germany, Liechtenstein, Malta, Portugal, Slovenia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America was transmitted to Cuba through the troika. These questions are available on the website of the universal periodic review.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. The delegation presented the national report, highlighting the fact that it was the result of a participatory, consultative process involving both government and civil society entities.

6. Under the governments imposed by the United States until 1959, some 45 per cent of children had not attended school; 85 per cent of persons had lacked running water; farmers had lived without rights and in poverty, without ever owning the land they tilled; and immigrants had been brutally exploited. Extrajudicial executions, enforced disappearances and torture had been recurrent and discrimination, poverty and exclusion had been rampant. The Cuban Revolution led by Fidel Castro Ruz had transformed that situation and, since then, Cuba had continued to improve its economic and social development model with the aim of strengthening its political system, which enjoyed the full support of the people.

7. Cuba had continued to strengthen its legal and institutional framework for the protection and promotion of human rights and had improved the mechanisms available to the population to denounce any infringement of their rights. The protection of the right to life continued to be the highest priority and law enforcement authorities fulfilled their duties in accordance with the law and were subject to rigorous control processes and popular scrutiny.

8. Cuba had strengthened people's participation in government decision-making and the exercise of lawfully recognized freedoms, including civil and political rights. In Cuba, there was a plurality of ideas and rich debates about different aspects of the civil, political, economic, social and cultural life of the nation. Indeed, more than 1.6 million Cubans had participated in the consultation on the Conceptualization of the Cuban Economic and Social

Model for Socialist Development and the Outline of the National Plan for Economic and Social Development until 2030.

9. In Cuba, the right to participate in public affairs was not limited to the electoral process; there was not one single model of democracy or an agreed formula in that regard. Elections were held periodically and in absolute freedom, in accordance with the electoral law. They were characterized by the existence of automatic and public electoral registries, popular appointment of candidates and high turnout levels.

10. At the recent election of deputies to the National Assembly of People's Power, 86 per cent of those eligible to vote had done so, with 94 per cent of valid ballots. Such results, which were not achieved in countries usually portrayed as ideal democratic models, showed the high level of legitimacy and popular support enjoyed by the Cuban political system. The National Assembly represented Cuban society in all its diversity. Some 53 per cent of Members of Parliament were women and 41 per cent were black or mulatto; their average age was 49 years old, and 13 per cent of them were aged between 18 and 35. For 56 per cent of them, it was the first time they had been elected.

11. Cuba continued to promote the right to full equality. That was a permanent goal that it would continue to pursue relentlessly. Progress had been made in terms of preventing and addressing manifestations of discrimination based on sexual orientation and gender identity. Cuba had also strengthened its programmes aimed at protecting children, young people, older persons and persons with disabilities.

12. Civil society in Cuba constituted a significant actor on the national scene, with over 2,200 organizations. One of the State's priorities was to guarantee the exercise of human rights, and thousands of human rights defenders in every sphere of social life enjoyed government recognition. However, as in many other countries where the rule of law prevailed, the legal system in Cuba could not be infringed upon or subverted to satisfy a foreign agenda that called for a change of regime, the constitutional order and the political system.

13. Cuba cooperated with the United Nations human rights mechanisms, which were universal and non-discriminatory. It was a party to 44 of the 61 international human rights instruments, and was among the States with the highest levels of ratifications. In 2017, Cuba had received visits from the Special Rapporteur on trafficking in persons, especially women and children, and the Independent Expert on human rights and international solidarity.

14. Despite the achievements it had made, Cuba was aware of the remaining challenges and was striving to meet them. The people deserved efficient institutions to improve their well-being and quality of life and to promote social justice. In that regard, as the former President, Raúl Castro, had indicated in December 2017, more comprehensive and far-reaching efforts had been made to ensure that, at the same time as the currency system was unified, the existing distortions in terms of subsidies, prices and wholesale and retail rates would be eliminated, as they would in terms of pensions and salaries in the State sector. A Constitutional reform process would begin in the near future, with broad popular participation.

15. The strengthening of the economic, commercial and financial blockade imposed on Cuba by the United States, and its extraterritorial implementation, had caused deprivation and continued to be the main obstacle to the country's development. That policy, which the international community rejected, violated the purposes and principles of the Charter of the United Nations and international law and represented a flagrant, massive and systematic violation of the human rights of the Cuban people. It thus qualified as an act of genocide under the Convention on the Prevention and Punishment of the Crime of Genocide of 1948. The delegation demanded the return to Cuba of the territory usurped by the United States Naval Base in Guantánamo, where the United States maintained a detention camp in which serious human rights violations were being committed.

16. The delegation expressed its openness to dialogue and its willingness to provide all the information requested during the universal periodic review process. There should be no double standards or politically motivated manipulation during that process. As the President

of the Council of State and Ministers, Miguel Díaz-Canel Bermúdez, had said in April 2018, there was no room for a transition that ignored or destroyed the legacy of so many years of struggle. In Cuba, by the decision of the people, there was room only for continuity of the legacy of the revolution and of the founding generation, without giving in to pressure, without fear or setbacks, always defending truth and reason, without ever renouncing sovereignty and independence, development programmes and the dream of Cubans.

B. Interactive dialogue and responses by the State under review

17. During the interactive dialogue, 143 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

18. The Bolivarian Republic of Venezuela, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guinea, Guyana, Haiti, Honduras, Iceland, India, Indonesia, the Islamic Republic of Iran, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, the Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libya, Liechtenstein, Lithuania, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Montenegro, Mozambique, Myanmar, Namibia, Nepal, the Netherlands, New Zealand, Nicaragua, the Niger, Nigeria, Norway, Oman, Pakistan, Paraguay, Peru, the Philippines, Poland, Portugal, Qatar, Romania, the Russian Federation, Rwanda, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, the State of Palestine, the Sudan, Sweden, Switzerland, the Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania, the United States of America, Uruguay, Uzbekistan, Equatorial Guinea, Viet Nam, Yemen, Zambia, Zimbabwe, Afghanistan, Algeria, Angola, Argentina, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Bhutan, the Plurinational State of Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cabo Verde, Cambodia, Canada, Chile, China, the Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Djibouti, the Dominican Republic, Ecuador, El Salvador, Morocco, Trinidad and Tobago and Egypt made recommendations. The Bahamas made a statement. The complete version of the statements can be found in the webcast archived on the United Nations website.[1]

19. In response to the questions raised during the interactive dialogue, the delegation of Cuba said that enforcement authorities acted in strict compliance with the law. If unlawful violations were committed by official authorities, the penalties were severe. In Cuba, no one was unlawfully or arbitrarily arrested and no one was prosecuted or convicted, except by a competent court under laws adopted prior to the commission of the offence concerned.

20. The cultural policy of Cuba had promoted and protected cultural rights. There was a broad network of cultural institutions in the country that aimed to ensure support for creators.

21. With regard to the situation of persons deprived of their liberty, Cuba ensured fair treatment and decent living conditions in penitentiary facilities. Detentions were carried out in accordance with criminal procedure and in compliance with due process guarantees. In addition, the Cuban public health system provided universal coverage and free care. Cuba had 80.2 doctors per 10,000 inhabitants, and 14 communicable diseases had been eliminated.

22. The Cuban political and electoral systems, the government structures and functions, human rights, the guarantees for their exercise and the duties of citizens were regulated by

[1] Available at http://webtv.un.org/search/cuba-review-30th-session-of-universal-periodic-review/5785774128001/?term=CUBA&sort=date&page=5.

legal provisions. Moreover, Cuban judges were independent in their functions and owed obedience only to the law.

23. Cuba had strengthened the protection of workers, including non-State actors, enabled full employment and the incorporation of young people into work, protected women and strengthened social security and assistance.

II. Conclusions and/or recommendations

24. **The following recommendations will be examined by Cuba, which will provide responses in due time, but no later than the thirty-ninth session of the Human Rights Council:**

24.1 **Ratify the International Covenant on Civil and Political Rights (Austria) (Japan) (Liechtenstein); Consider ratifying the International Covenant on Economic, Social and Cultural Rights (Côte d'Ivoire); Ratify the International Covenant on Economic, Social and Cultural Rights (Niger); Consider ratification of the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights respectively (Cyprus); Consider ratifying the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (El Salvador); Consider ratification of the International Covenant on Civil and Political Rights (Chile); Ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Mexico) (Nepal) (Paraguay) (Slovakia) (France) (Portugal) (Australia); Ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, as previously recommended (Poland); Ratify without delay the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Germany); Consider ratification of the International Covenants on Human Rights (Peru); Finalize the process of ratification of the main international covenants, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Spain);**[2]

24.2 **Quickly proceed towards ratification of both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, without reservations (Norway);**

24.3 **Consider ratifying the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights (Greece);**

24.4 **Ratify the International Covenant on Civil and Political Rights and establish a legal and institutional framework that guarantee the free exercise of the rights enshrined in it, including the rights to freedom of expression, assembly and peaceful association, and sign and ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Costa Rica);**

24.5 **Ratify and implement the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Croatia);**

[2] The recommendation, as read out during the interactive dialogue, was: "Finalize the process of ratification of the main international covenants, including the International Covenant on Civil and Political Rights, the International Covenant on Economic Social and Cultural Rights, as well as other instruments, such as the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment".

24.6 Ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Trinidad and Tobago);

24.7 Ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Italy);

24.8 Accede to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and bring national legislation into compliance with these Covenants, including by ensuring unhindered Internet access (Czechia);

24.9 Consolidate the legal and institutional framework for the promotion and protection of human rights, among others, through expediting the ratification process of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Indonesia);

24.10 Ratify the International Covenant on Civil and Political Rights and both its optional protocols (Estonia);

24.11 Ratify the International Covenant on Civil and Political Rights and its Second Optional Protocol (Lithuania);

24.12 Consider ratifying the International Covenant on Economic, Social and Cultural Rights (Malta);

24.13 Ratify, without delay, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Finland);

24.14 Ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, without restrictions (Sweden);

24.15 Act in accordance with and ratify the already signed International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, without restrictions to freedom of expression, freedom of the press or freedom of assembly, and incorporate them into its national legislation (Netherlands);

24.16 Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Niger); Ratify those international instruments to which it is not yet a party, in particular the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Honduras);

24.17 Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (France) (Portugal); Consider acceding to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, at the earliest convenience (Ghana); Ratify the main international instruments, such as the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Spain);[3]

24.18 Ratify the Rome Statute of the International Criminal Court (Austria) (France); Ratify the Rome Statute of the International Criminal Court and fully align national legislation with all obligations under the Rome Statute (Latvia); Ratify the Rome Statute on the International Criminal Court in its 2010 version, including the Kampala amendments on the crime of aggression, and review its national legislation in order to ensure full alignment with the Statute (Liechtenstein);

[3] See footnote 2.

24.19 **Ratify the International Labour Organization (ILO) Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29) (Portugal);**

24.20 **Ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, as previously recommended (Romania);**

24.21 **Ratify the core international human rights treaties, namely the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Slovenia);**

24.22 **Ratify the core human rights documents: the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Ukraine);**

24.23 **Consider ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Greece);**

24.24 **Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Bosnia and Herzegovina);**

24.25 **Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Estonia);**

24.26 **Consider ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Georgia);**

24.27 **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Liechtenstein) (Togo); Consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights with a view to abolishing the death penalty, as previously recommended (Uruguay);**

24.28 **Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Bosnia and Herzegovina);**

24.29 **Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Democratic Republic of the Congo); Accede to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, as previously recommended (Liechtenstein);**

24.30 **Consider ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Slovenia);**

24.31 **Sign the Optional Protocol to the Convention on the Rights of Persons with Disabilities (El Salvador);**

24.32 **Consider becoming a party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Sri Lanka);**

24.33 **Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Kenya);**

24.34 **Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Slovakia);**

24.35 **Issue and implement a standing invitation to all special procedures (Czechia);**

24.36 **Respond positively to the pending visit requests by the special procedure mandate holders of the Human Rights Council and consider extending a standing invitation to all mandate holders (Latvia);**

24.37 Extend invitations to the United Nations Special Rapporteurs on the promotion and protection of the right to freedom of opinion and expression, on the rights to freedom of peaceful assembly and of association, and on the situation of human rights defenders (Finland);

24.38 Issue a standing invitation to all special procedures, including those working in the field of civil and political rights (Norway); Extend an open and permanent invitation to the special procedure mandate holders (Spain);

24.39 Issue a standing invitation to the special procedures of the Human Rights Council, including all Special Rapporteurs (Sweden);

24.40 Extend a permanent invitation to all special procedures of the Human Rights Council (Switzerland);

24.41 Continue constructive cooperation with the United Nations human rights mechanisms (Tajikistan);

24.42 Cooperate closely with human rights monitoring mechanisms (Ukraine);

24.43 Fully cooperate with human rights mechanisms and grant them unhindered access to Cuba, including to government officials, civil society organizations and human rights defenders, to prisons and detention centres (Germany);

24.44 Recognize the competence of treaty bodies to consider individual complaints (Ukraine);

24.45 Consider ratifying the 1951 Convention relating to the Status of Refugees (Lesotho);

24.46 Continue to strengthen the country's institutional and legal frameworks to enhance the promotion and protection of human rights (Zimbabwe);

24.47 Continue moving forward in the study of legislative amendments or new legislation necessary to achieve even better results in the promotion and protection of human rights (Angola);

24.48 Continue on the very encouraging trajectory of progress made with respect to its commitment to the protection and promotion of human rights (Barbados);

24.49 Continue to strengthen the democratic, popular and representative nature of the social order, State institutions and laws that ensure social justice for the whole population (Belarus);

24.50 Further strengthen legal and institutional frameworks for the protection of human rights (Bhutan);

24.51 Maintain the political will to promote the broadest possible enjoyment of civil and political rights, the protection of which is recognized by the Constitution and laws (Plurinational State of Bolivia);

24.52 Strengthen the legislative framework to protect and promote human rights for all citizens (Egypt);

24.53 Continue to strengthen the principle of legality in the actions of the law enforcement authorities (Kuwait);

24.54 Strengthen measures aimed at implementing the country's commitments derived from international instruments on human rights (Kyrgyzstan);

24.55 Continue the efforts to improve and strengthen human rights protection arrangements (Ethiopia);

24.56 Continue its efforts to encourage the participation of domestic legal institutions in international organizations with the aim to promote cooperation in the area of human rights protection (Myanmar);

24.57 Continue adopting measures for additional harmony between national legislation and the international treaties to which Cuba is a party (Oman);

24.58 Strengthen national mechanisms for follow-up and implementation of international human rights recommendations received by the State, through the establishment of a broad inter-institutional consultation mechanism that promotes the participation of civil society (Paraguay);

24.59 Incorporate the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment into its domestic law (France);

24.60 Continue efforts to strengthen the mechanisms and procedures to prevent and address human rights violations (State of Palestine);

24.61 Continue efforts to promote the integral and full development of human rights (Tunisia);

24.62 Ensure that the national institutions mandated to promote and protect human rights are given adequate resources to carry out their mandates (Uganda);

24.63 Fully implement all the international treaties it has ratified (Ukraine);

24.64 Continue to expand the framework of guarantees necessary for the exercise of civil and political rights, in conformity with national laws and the international instruments to which Cuba is a party (United Arab Emirates);

24.65 Continue measures to strengthen the capacity of national mechanisms for human rights protection (Uzbekistan);

24.66 Step up efforts to develop a system of human rights training (Uzbekistan);

24.67 Take steps towards establishing an independent national human rights institution in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (Botswana);

24.68 Create a national human rights institution in accordance with the Paris Principles and take legal and institutional measures to guarantee the independence of the judiciary (Costa Rica);

24.69 Establish a national human rights institution in conformity with the Paris Principles (Mongolia);

24.70 Establish an independent national human rights institution in compliance with the Paris Principles (Montenegro);

24.71 Establish an independent national human rights institution in accordance with the Paris Principles (Mexico) (Nepal) (Togo) (Portugal); Establish a national human rights institution in conformity with the Paris Principles (Uruguay); Put in place a national human rights institution in compliance with the Paris Principles (Niger); Establish a national human rights institution in accordance with the Paris Principles and end the restrictions imposed on associations (France);

24.72 Establish an effective, public complaint handling system and a fully independent institution of the Ombudsman (Poland);

24.73 Establish an independent national human rights institution in accordance with the Paris Principles (Zambia);

24.74 Intensify awareness campaigns to fight against racial stereotypes (Angola);

24.75 Continue actions to prevent manifestations of discrimination based on sexual orientation and gender identity (Plurinational State of Bolivia);

24.76 Maintain awareness-raising campaigns on the right to freedom of sexual orientation and gender identity (Plurinational State of Bolivia);

24.77 Continue developing actions to contribute to the prevention of and fight against racial discrimination from a cultural perspective (Burundi);

24.78 Continue to implement appropriate measures to ensure the equality of all its citizens (Cambodia);

24.79 Continue to take steps aimed at preventing and combating discrimination from a cultural point of view (Djibouti);

24.80 Continue to work towards better integration of Cubans of African descent in the political, social, cultural and economic life of the country (Haiti);

24.81 Continue training public and law enforcement officials on preventing and combating racism (Egypt);

24.82 Strengthen the application of the existing legal framework, which prohibits and punishes discrimination that affects human dignity and values (India);

24.83 Continue its efforts in the fight against racism and racial discrimination (Mali);

24.84 Continue efforts to combat racial discrimination (Peru);

24.85 Pursue efforts aimed at combating discrimination and at raising awareness among the Cuban population of its African heritage (Senegal);

24.86 Continue to develop the legal and institutional framework to fight against discrimination and racial prejudices and further advocate at international fora on the eradication of racism, hate speech and the promotion of supremacist ideologies (South Africa);

24.87 Continue efforts to combat racism and racial discrimination and encourage more discussion about the topic in the media (Tunisia);

24.88 Continue efforts to counteract all forms of racial discrimination (Turkey);

24.89 Continue with the fight against all forms of racial discrimination (United Republic of Tanzania);

24.90 Continue to support the work of the International Red Cross and Red Crescent Movement (Afghanistan);

24.91 Continue to promote initiatives on international platforms on the compliance of economic, social and cultural rights and third-generation human rights that reflect the interests of developing countries (Belarus);

24.92 Continue to promote economic and social development according to national development plans, to better promote and protect human rights (China);

24.93 Maintain activities aimed at guaranteeing low levels of mortality as a result of natural disasters (Dominican Republic);

24.94 Strengthen cooperation and solidarity with the Caribbean Community Member States by providing technical assistance to strengthen capacity, particularly with a view to universal social protection and universal health care (Haiti);

24.95 Promote the necessity of eliminating politicization and contextualization of human rights issues at various fora (India);

24.96 Continue to update its economic and social model, in order to preserve and strengthen social justice and solidarity (Namibia);

24.97 Continue to strengthen early warning systems for natural disasters to increase the perception of risk in the population (Nigeria);

24.98 Continue advocating in the international fora for the need to combat Islamophobia and discriminatory stereotypes based on religion, particularly in the context of the fight against terrorism (Saudi Arabia);

24.99 Continue to modernize the legislative basis governing the civil defence system and regulate the preparedness and recovery functions for natural disasters (Syrian Arab Republic);

24.100 Keep denouncing the negative impact of the criminal economic, commercial and financial embargo imposed on Cuba by the United States of America, which affects the enjoyment of human rights (Bolivarian Republic of Venezuela);

24.101 Continue to protect its population against the effects of the embargo imposed by the United States of America (Plurinational State of Bolivia);

24.102 Continue condemning in international fora the unilateral coercive measures against developing countries, such as the blockade imposed by the United States against Cuba, as instruments which violate the peoples' human rights (Nicaragua);

24.103 Pursue its national agenda against the imposed embargo, which should be fully lifted to allow Cuba to build on its extraordinary record on socioeconomic rights (South Africa);

24.104 Continue to modernize the Cuban model of economic and social development in the face of the illegal American embargo that violates the human rights of the Cuban people (Syrian Arab Republic);

24.105 Continue to provide humanitarian assistance, particularly in the health field, to countries affected by disasters and major epidemics and share the experience of the Henry Reeve International Contingent (Algeria);

24.106 Maintain current South-South cooperation programmes with other Caribbean countries, including sharing the Cuban model of Risk Reduction Management Centres (Jamaica);

24.107 Continue to encourage dialogue and cooperation with other States in the field of human rights, based on the principles of mutual respect, sovereign equality, self-determination and the right to independently determine their political system (Russian Federation);

24.108 Continue fostering the development of values at all levels in society to help fight corruption (Kuwait);

24.109 Expand and share experiences with other countries in the prevention and treatment of diseases such as cholera, dengue and HIV (Mozambique);

24.110 Share at the international level, with the support of the United Nations, its experiences of bilateral cooperation in the promotion of the right to health, especially in the areas of training of human resources and of support to health services throughout the world (Tajikistan);

24.111 Promote and participate in the exchange of experience and good practice in the treatment of inmates and in detention conditions (Democratic People's Republic of Korea);

24.112 **Stop arbitrarily arresting people, before, during and after peaceful demonstrations and release those who have been arbitrarily arrested (Iceland); End arbitrary detention of political activists (Australia);**

24.113 **Continue to implement the necessary measures to ensure public safety and maintain the atmosphere of tranquility, internal order and confidence of the population in the authorities (Islamic Republic of Iran);**

24.114 **Guarantee that all detainees have access to a lawyer of their choice from the outset of the deprivation of liberty (Ireland);**

24.115 **Take concrete measures to promote the fair justice principles consistent with international standards, especially by reviewing the legislation on and implementation of pretrial detention (Italy);**

24.116 **Continue to provide assistance and counselling in prisons to applicants (Lebanon);**

24.117 **End arbitrary detention and harassment of human rights defenders as well as media workers (Lithuania);**

24.118 **Enable independent human rights monitoring at all detention sites (Lithuania);**

24.119 **Promote inmates' access to culture and sports, as part of educational work programmes that are implemented in prisons (Malaysia);**

24.120 **Take measures to put an end to arbitrary detentions by ensuring that persons under arrest have immediate access to a defence counsel and are promptly brought before an independent judge for a hearing (Netherlands);**

24.121 **Immediately and unconditionally release all prisoners of conscience who have been imprisoned solely for the peaceful exercise of their rights to freedom of expression, association or peaceful assembly (New Zealand);**

24.122 **Continue to strengthen the mechanisms, channels and resources provided for prisoners to have timely access to legal assistance in prisons (Nigeria);**

24.123 **Continue to strengthen the measures to guarantee the right of all persons deprived of liberty to access the immediate remedies that allow them to challenge the legality of their detention (Nigeria);**

24.124 **Ensure that prisoners are treated with dignity and humanity (Poland);**

24.125 **Release all those who have been arrested on politically motivated charges (Slovakia);**

24.126 **Encourage less use of pretrial detention as a precautionary measure and ensure its use only for the most serious crimes (Sudan);**

24.127 **Continue to ensure that prisoners and detainees are treated with the dignity inherent to the human condition, in compliance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (Sudan);**

24.128 **Strengthen the implementation of programmes that favour the preventive approach and social reintegration of inmates to avoid the reproduction of patterns and criminal behaviour (Sudan);**

24.129 **Intensify efforts aimed at improving detention conditions in prisons (Georgia);**

24.130 **Continue to improve the prison system, particularly in the area of infrastructure development and living conditions in these facilities (Syrian Arab Republic);**

24.131 Encourage the inclusion of a larger number prison inmates in the training and education process, to provide them with employment opportunities (Syrian Arab Republic);

24.132 End measures to restrict freedom of expression and assembly including short-term detentions and the use of broad criminal charges such as "dangerousness" (United Kingdom of Great Britain and Northern Ireland);

24.133 Ensure full compliance with the United Nations Standard Minimum Rules for the Treatment of Prisoners and allow independent human rights monitors access to prison and detention centres (Zambia);

24.134 Consider including forced disappearance in its national legislation as a separate offence and a crime against humanity (Argentina);

24.135 Formally abolish the death penalty (Australia); Abolish the death penalty for ordinary crimes as a first step towards the complete abolition of the death penalty (Belgium); Adopt the necessary measures for the abolition of the death penalty (Brazil); Legally abolish the death penalty (Cabo Verde); Give due consideration to the legal abolition of the death penalty (Liechtenstein); Abolish the death penalty (France) (Portugal);

24.136 Include enforced disappearance in domestic law as a stand-alone crime and make it a crime against humanity (Democratic Republic of the Congo);

24.137 Maintain the moratorium on executions and consider moving towards the abolition of death penalty (Italy);

24.138 Abolish the death penalty including through ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights (New Zealand);

24.139 Consider imposing a de facto moratorium on the use of the death penalty with a view to its total abolition (Rwanda);

24.140 Abolish the death penalty for all crimes (Switzerland);

24.141 Strengthen the penal protection afforded by national legislation against violations of civil and political rights, in particular when they are committed by public officials or law enforcement officers (Algeria);

24.142 Maintain the head-on fight against corruption, as a means of guaranteeing legality and trust in the Government and judicial institutions (Azerbaijan);

24.143 Continue to improve the judicial system, in all areas (Burkina Faso);

24.144 Improve transparency and due process in the justice system by ensuring that arrested individuals are promptly informed of the reasons, have access to legal representation of their choosing, are afforded public hearings within a reasonable timeframe, and are presumed innocent until proven guilty (Canada);

24.145 Continue fostering a greater culture of rejection of corruption (Democratic People's Republic of Korea);

24.146 Study and adopt measures that favour a faster process of criminal proceedings (Jordan);

24.147 Strengthen the provisions and legal rules guaranteeing due process before the judiciary (Lebanon);

24.148 Continue raising the levels of specialization of judges, prosecutors and lawyers, as well as their professional ethical training (Malaysia);

24.149 Strengthen the juvenile justice system for the treatment of children and adolescents who are in conflict with the law (Pakistan);

24.150 **Take relevant steps to guarantee the independence and impartiality of the judiciary (Poland);**

24.151 **Continue to promote the principles of justice and the independence of judges and lawyers, in accordance with the provisions of national legislation and in conformity with Cuba's international obligations (Qatar);**

24.152 **Advance in the revision of article 121 of its Constitution and implement measures that ensure the independence and impartiality of the judiciary (Spain);**

24.153 **Continue taking further steps for the strengthening of the judicial system (Tajikistan);**

24.154 **Ensure the right to a fair trial and improve prison conditions through ratification of the International Covenant on Civil and Political Rights, adherence to the Basic Principles on the Independence of the Judiciary, the Basic Principles on the Role of Lawyers, and the United Nations Standard Minimum Rules for the Treatment of Prisoners (United Kingdom of Great Britain and Northern Ireland);**

24.155 **Redouble efforts to perfect people's power at the local level, as a genuine expression of its democratic model (Bolivarian Republic of Venezuela);**

24.156 **Continue actions to ensure that citizens know the ways and means for the protection of human rights (Bolivarian Republic of Venezuela);**

24.157 **Continue to expand Internet services through.. the country, especially in households (Bolivarian Republic of Venezuela);**

24.158 **Recognize human rights monitoring as a legitimate activity, provide legal status to local human rights groups, cease using tactics that intimidate them, and allow human rights defenders and civil society to engage with the United Nations and its mechanisms (Australia);**

24.159 **Remove Internet access restrictions and relax control of the broader media environment (Australia);**

24.160 **Bring the framework on freedom of association and assembly into line with international law and standards (Austria); Adopt concrete measures aimed at eliminating restrictions to the right of association and to freedom of expression that are inconsistent with international human rights law (Brazil);**

24.161 **Take effective measures to guarantee that Internet access corresponds to international regulations that protect the right to seek, receive and disseminate information and ideas (Austria);**

24.162 **Promote greater participation of public institutions, the population, social and mass organizations in the fight against corruption (Azerbaijan);**

24.163 **Improve the climate for freedom of expression by taking steps to develop independent and pluralist media (Belgium); Consider promoting a more pluralist and independent mass media environment (Chile);**

24.164 **Publicly acknowledge the role and work of members of civil society and take the necessary steps to ensure that human rights defenders and members of civil society organizations can exercise their rights to peaceful freedom of expression, assembly and association, in conformity with Cuba's international obligations (Belgium);**

24.165 **Continue its efforts to expand access to information and culture to its people (Bhutan);**

24.166 **Increase the Internet penetration rate and the use of broadband Internet (Plurinational State of Bolivia);**

24.167 **Abstain from all forms of harassment, intimidation and repression against social activists, human rights defenders and journalists (Brazil);**

Guarantee freedom of expression, assembly and association and put an end to the harassment, intimidation, persecution and arbitrary detention of human rights activists, journalists and members of the opposition (France); Immediately stop arbitrary detention, imprisonment and harassment of activists who peacefully exercise their rights to freedom of expression, association or peaceful assembly (Germany);

24.168 **Facilitate creation of a more pluralistic media environment in conformity with international standards (Bulgaria);**

24.169 **Increase the knowledge of the population, from an early age, about the political system in the country, the ways to participate in the conduct of public affairs and the mechanism of accountability (Cambodia);**

24.170 **Adopt legislation providing legal status for non-governmental organizations and independent journalists (Canada);**

24.171 **Immediately eliminate harassment and intimidation of activists, including arbitrary short-term and pretrial detentions as well as house arrest (Canada);**

24.172 **Take the necessary measures to ensure the right of all people to freedom of expression, freedom of assembly and peaceful association (Chile); Respect everyone's rights to freedom of expression, peaceful assembly and association (Iceland); Respect everyone's rights to freedom of expression and to peaceful assembly and association (Slovakia); Establish measures that guarantee freedom of association, freedom of expression and freedom of the press (Spain); Review all legal provisions, including article 62 of the Constitution which unduly restricts the rights to freedom of expression, peaceful assembly and association, to bring them in line with international law and standards (Germany);**

24.173 **Maintain and improve existing measures and mechanisms to encourage young people to participate in all social affairs (China);**

24.174 **Remove legislative and practical obstacles for the functioning of civil society (Croatia);**

24.175 **Implement legal safeguards protecting civil society and media workers against abuse of provisions for criminal prosecution, including by repealing articles 72, 73 and 74 of the Criminal Code as well as the Law No. 88 (Czechia);**

24.176 **Continue to foster good relations with the different religious institutions (India);**

24.177 **Continue to improve the Cuban political system, upholding the values of the society and the national unity, and promoting democracy (Islamic Republic of Iran);**

24.178 **Ensure that civil society members, human rights defenders and journalists can operate free from hindrance and insecurity, including by repealing legislation relating to so-called "pre-criminal social dangerousness" (Ireland);**

24.179 **Guarantee freedom of opinion and expression, online and offline, including dissenting political opinions, and safeguard the activity of human rights defenders and journalists (Italy);**

24.180 **Ensure Internet accessibility with the aim of improving the quality of education and social development (Japan);**

24.181 **Ensure everyone's rights to freedom of expression, peaceful assembly and association and to freedom of movement, including for civil society representatives, journalists and human rights defenders (Estonia);**

24.182 **Adopt a freedom of information law in accordance with international standards (Estonia);**

24.183 **Decriminalize defamation and include it in the Civil Code in accordance with international standards (Estonia);**

24.184 **End measures restricting the rights to freedom of expression and to peaceful assembly and association, including short-term detentions of political opponents, human rights activists and members of civil society organizations, as well as intimidation and arrests of journalists (Latvia);**

24.185 **Improve the possibilities of using Internet in rural and low-income areas (Lebanon);**

24.186 **Enable and promote the work of civil society by discontinuing restrictive laws and practices (Lithuania);**

24.187 **Guarantee freedom of peaceful assembly and association for all citizens in accordance with international standards (Lithuania);**

24.188 **Promote the effective use of mass media, mobile technologies and the Internet to increase awareness about disaster reduction (Malaysia);**

24.189 **Continue strengthening the space of national non-profit associations in the country (Maldives);**

24.190 **Continue to strengthen the right of access to information for citizens in the areas of management of government and public institutions (Ethiopia);**

24.191 **Continue guaranteeing the right of everyone to freedom of worship and not to profess any religion, in accordance with the Constitution (Mozambique);**

24.192 **Review all legal provisions which restrict the rights to freedom of expression, peaceful assembly, and association, to ensure compliance with international human rights law and standards (New Zealand);**

24.193 **Continue to remove unlawful limitations on the right to access information and on the freedom of opinion and expression under international human rights law (New Zealand);**

24.194 **Develop and implement specific laws, policies and mechanisms that recognize and protect the work of civil society, human rights defenders and journalists (Norway);**

24.195 **Continue adopting measures to further increase the participation of young people in the most important decision-making processes in the country (Pakistan);**

24.196 **Redouble efforts to strengthen the rights to peaceful assembly and association and to guarantee to independent journalists the free exercise of their profession without discrimination on political grounds (Peru);**

24.197 **Strengthen measures to achieve public and political participation while respecting plurality (Peru);**

24.198 **Take effective measures to ensure freedom of expression, of the press and of association, as well as affordable and unrestricted access to the Internet for all (Poland);**

24.199 **Ensure low-priced access to Internet facilities and complete freedom of expression online (Romania);**

24.200 **Continue to expand the space and create mechanisms for the population to express its opinion on the main issues of national and international interest (Russian Federation);**

24.201 **Review legal provisions that restrict the rights of freedom of expression, peaceful assembly and association, and bring them in line with Cuba's international human rights obligations (Sweden);**

24.202 **Bring its electoral legislation in line with international law and standards (Sweden);**

24.203 **Take the necessary measures in order to guarantee the rights to freedom of peaceful assembly and association, in conformity with international law, particularly human rights (Switzerland);**

24.204 **Increase the use of e-government as a method to improve the interrelation between citizens and the Government at all levels (Turkey);**

24.205 **Take measures to improve the participation of special groups, including the elderly and persons with disabilities, in the electoral and decision-making processes (Uganda);**

24.206 **Eliminate all restrictions on the right to freedom of opinion and expression and the right to free access to information (Ukraine);**

24.207 **Continue to promote the full right to freedom of religion (United Arab Emirates);**

24.208 **Reform its one-party system to allow for genuinely free and fair multiparty elections that provide citizens with real choices regarding their government (United States of America);**

24.209 **Cease the practice of arbitrarily detaining journalists, opposition members, and human rights defenders, including pre-emptively, and adopt a legal framework that ensures judicial independence (United States of America);**

24.210 **Release individuals who were arbitrarily detained and imprisoned for peaceful assembly, investigating and reporting on government activity, or expressing political dissent, and allow them to travel freely both domestically and internationally without limitation (United States of America);**

24.211 **Update standards and procedures to prosecute all manifestations of human trafficking and ensure that the penalties reflect the gravity of the crime, in conformity with international obligations and the operating modes and forms of this unlawful activity (Bolivarian Republic of Venezuela);**

24.212 **Increase information and training on trafficking in persons among professionals and workers of entities responsible for prevention of this phenomenon (Bangladesh);**

24.213 **Establish a specific protection mechanism for victims of trafficking and provide, as necessary, medical and psychological assistance, legal advice, material support and social reintegration (Bangladesh);**

24.214 **Continue and expand the current efforts at tackling all aspects of trafficking in persons (Guyana);**

24.215 **Continue taking measures to fight against forced prostitution and trafficking of women for sexual exploitation (Côte d'Ivoire);**

24.216 **Introduce public awareness programmes on trafficking in persons (Trinidad and Tobago);**

24.217 **Adopt comprehensive legislation and policy to prevent and combat trafficking in persons, which includes measures to protect the victims (Honduras);**

24.218 **Continue efforts to combat trafficking in persons (Iraq);**

24.219 **Consolidate the investigations of alleged cases of trafficking of persons, reinforce the means and human resources to combat it, and vigorously prosecute those involved to avoid impunity (Jordan);**

24.220 Disseminate the knowledge and experiences acquired and capitalize upon them in order to continue strengthening the perception of risk in society, and correspondingly, improve the mechanisms to prevent, combat and protect victims of trafficking (Kuwait);

24.221 Continue taking measures to implement the 2017–2020 national action plan to prevent and combat trafficking in persons and protect victims (Kazakhstan);

24.222 Maintain the policy of "zero tolerance" against trafficking in persons and strengthen the mechanisms for detecting this crime (Kyrgyzstan);

24.223 Ensure that trafficking and sexual exploitation of children is properly sanctioned through normative and judicial measures (Madagascar);

24.224 Increase the participation of civil society organizations, communities and families in actions aimed at stopping, disseminating information, alerting and denouncing human trafficking to the corresponding State institutions, as well as in the identification of cases or persons vulnerable of being victims of this crime (Nicaragua);

24.225 Continue efforts in preventing the consumption and trafficking of illegal drugs and maintain a policy of zero tolerance (Philippines);

24.226 Establish measures aimed at preferential attention to victims of trafficking who are in situations of greater vulnerability (Philippines);

24.227 Continue its efforts to combat trafficking in persons, including by consolidating joint coordination among relevant institutions, and paying due attention to victims, especially women and children (Qatar);

24.228 Implement a zero-tolerance policy against trafficking and sexual exploitation of children (Senegal);

24.229 Continue efforts to increase public awareness about trafficking in persons (Turkey);

24.230 Criminalize all forms of human trafficking in line with the Palermo protocols, and address reportedly coercive elements of Cuban labour practices and foreign medical missions (United Kingdom of Great Britain and Northern Ireland);

24.231 Strengthen actions to increase the perception of risk in the population and increase its participation in alerts and complaints against trafficking in persons (Viet Nam);

24.232 Consider setting the same age limit for girls and boys in exceptional cases of marriage below the age of 18 (Jamaica);

24.233 Continue its efforts aimed at an effective equality of opportunities in access to work (Cabo Verde);

24.234 Pursue the strengthening and improvement of the national legal framework governing labour law (Morocco);

24.235 Ensure equal opportunities for women in the labour market including by adopting provisions on the principle of equal pay for work of equal value (Iceland);

24.236 Continue strengthening the development of legislation to protect labour and social rights (Eritrea);

24.237 Increase the knowledge of workers in different sectors of the economy of their labour and social security rights, and the mechanisms, ways and resources to strengthen them (Lao People's Democratic Republic);

24.238 Include in the Labour Code the prohibition of sexual harassment and criminalize domestic violence and femicide (Paraguay);

24.239 **Continue to accept all necessary measures to protect workers' rights in the non-public sector in the light of ongoing economic reforms in the country (Russian Federation);**

24.240 **Expand jobs in the non-State sector, as an alternative to employment, taking into account the new organizational forms and services that have been established (State of Palestine);**

24.241 **Further enhance the implementation of all the ILO Conventions to which Cuba is a State party (Thailand);**

24.242 **Continue efforts to combat discrimination against women and create equal opportunity in the context of employment (Tunisia);**

24.243 **Improve the means of protecting people in situations of vulnerability or at risk of not accessing their right to food (Algeria);**

24.244 **Pursue its efforts and achievements to broaden the application of information and communication technologies to activities in various sectors of economic and social life (Benin);**

24.245 **Intensify the development of initiatives linked to the health and social welfare of older persons (Guinea);**

24.246 **Maintain efforts to guarantee the full protection of elderly people (Congo);**

24.247 **Continue improving benefits and protection guaranteed by the social security system and continue providing assistance to older persons, in order to ensure a better quality of life (Democratic People's Republic of Korea);**

24.248 **Consolidate programmes that benefit the elderly (Islamic Republic of Iran);**

24.249 **Improve and strengthen the national network of institutions to benefit and protect elderly persons (Lao People's Democratic Republic);**

24.250 **Continue strengthening programmes granting lands in usufruct to young people as part of the strategies aimed at agricultural development and maintain as a priority the care for young inhabitants in rural areas (Nicaragua);**

24.251 **Continue efforts in the realization of economic, social and cultural rights (South Africa);**

24.252 **Continue to work towards the full realization of the right to food by implementing the national plan for the prevention and control of anaemia, especially among children (Thailand);**

24.253 **Continue its efforts to create environments that facilitate the mobility of older persons (Timor-Leste);**

24.254 **Redouble its efforts to preserve and improve progress in the areas of health, education and the fight against discrimination and social inequalities (Togo);**

24.255 **Strengthen specialized training programmes for health and social work personnel who are responsible for serving older persons (Viet Nam);**

24.256 **Continue to implement the "Operación Milagro" programme for the treatment of ophthalmological diseases (El Salvador);**

24.257 **Improve access to health-care services and social benefits for all persons (Trinidad and Tobago);**

24.258 **Redouble efforts to guarantee access to sexual education and reproductive health (Honduras);**

24.259 Take measures to ensure that mother-to-child transmission of HIV and syphilis remains eradicated in Cuba (Jamaica);

24.260 Intensify its approach to curtailing teenage pregnancies by making greater use of Cuba's comprehensive expertise in health and youth development (Jamaica);

24.261 Maintain and continue to develop the implementation of policies for the access of the population to quality medical services (Kazakhstan);

24.262 Improve the health sector especially through the training of health personnel, promoting awareness on HIV and AIDS and the rights of those suffering from this disease (Kenya);

24.263 Continue to consolidate the quality of the health-care system (Lesotho);

24.264 Continue ensuring free and universal access to public health (Maldives);

24.265 Continue studying and addressing the negative impact of the consumption of illicit drugs on health and the quality of life of people (Saudi Arabia);

24.266 Endeavour to build sufficient nursing homes, day-care centres and geriatric hospitals in time to cater to Cuba's ageing population in future (Singapore);

24.267 Strengthen medical and social services at the community level, including collaborating with relevant community actors, to allow older persons to age in place (Singapore);

24.268 Increase access to and use of effective and high quality contraceptive methods to improve the quality of sexual and reproductive health services (Equatorial Guinea);

24.269 Promote human rights education on all levels, especially within law enforcement (Austria);

24.270 Increase the content related to gender equality and human rights in masters' studies and courses for public officials and law enforcement authorities (Guinea);

24.271 Continue ensuring universal and free access to quality education for all at different levels of education (Brunei Darussalam);

24.272 Continue improving the national system of artistic education at all levels (Brunei Darussalam);

24.273 Continue making progress in raising the quality and rigour of the teaching-learning process (Burundi);

24.274 Continue to give priority to the promotion, protection and realization of the right to education for all (China);

24.275 Continue strengthening the training and qualification of teaching personnel (Congo);

24.276 Continue to make progress in improving the quality and rigour of the teaching and learning process (Djibouti);

24.277 Continue promoting the "Yo sí puedo" and "Yo sí puedo seguir" literacy programmes as a contribution to the efforts to combat illiteracy (El Salvador);

24.278 Continue to implement policies aimed at fostering a greater culture of respect, tolerance, non-violence and non-discrimination in the education sector (Indonesia);

24.279 **Strengthen the technical professional education system as a quality educational alternative for the development of the country (Eritrea);**

24.280 **Continue taking efforts to ensure equal opportunity to education for women and girls (Iraq);**

24.281 **Strengthen the link between universities and research institutions with productive centres, as a contribution of education and science to the development of the country (Lao People's Democratic Republic);**

24.282 **Continue to promote the use of information and communications technology penetration at all levels of education and skills developments from the early age (Myanmar);**

24.283 **Continue efforts aimed at improving the structural framework and the quality of services of cultural institutions (Oman);**

24.284 **Continue to strengthen the special education system and its institutions throughout the country to ensure quality education for children, adolescents and youth with disabilities (Pakistan);**

24.285 **Continue evaluating and adopting measures to increase the number of children, adolescents and youth with disabilities in the different levels of education of the national education system (Timor-Leste);**

24.286 **Further strengthen schools and educational programmes in remote and inaccessible areas (United Arab Emirates);**

24.287 **Continue to improve, update and expand the scope of human rights training for civil servants and the general public (Zambia);**

24.288 **Continue with the efforts to promote equality between men and women (Ghana);**

24.289 **Continue making progress in the empowerment of women in all sectors (Ghana);**

24.290 **Continue to implement a gender perspective in its national policies aimed at achieving equality for women (Zimbabwe);**

24.291 **Improve the measures taken to reduce gender stereotypes in relation to the roles and responsibilities of women in the family and society (Afghanistan);**

24.292 **Consider including in its national legislation a law on violence against women that criminalizes it in all its forms (Argentina);**

24.293 **Intensify efforts to empower women politically and economically (Bahrain);**

24.294 **Pursue its efforts to promote the status of women and gender equality (Benin);**

24.295 **Endeavour to promote racial harmony through improvement of equality for women of African descent (Botswana);**

24.296 **Take further measures to improve the access of elderly women, rural women and women with disabilities to health-care services, social benefits and public participation (Bulgaria);**

24.297 **Continue and increase the current efforts and awareness-raising actions to combat traditional and cultural attitudes to combat any perceived discrimination against women (Guyana);**

24.298 **Adopt a comprehensive strategy on combating discrimination against women (Cyprus);**

24.299 **Take special temporary measures to speed up the process of establishing real equality for women, in particular women of African descent,**

elderly women, women with disabilities and rural women (Democratic Republic of the Congo);

24.300 **Continue awareness-raising campaigns to combat patriarchal and gender stereotypes (Dominican Republic);**

24.301 **Adopt a comprehensive strategy to modify or eliminate patriarchal attitudes and stereotypes that discriminate against women (Honduras);**

24.302 **Continue efforts to combat all forms of violence against persons, including domestic violence (Libya);**

24.303 **Review the national legal framework to include violence against women as a crime in all its forms, and develop a plan of action for the prevention of all forms of violence against women, assistance and protection of victims, as well as the sensitization of the population and public officials (Mexico);**

24.304 **Continue efforts to combat gender-based and domestic violence (Nepal);**

24.305 **Strengthen measures to combat violence against women and domestic violence, including through enhancing existing legislation to better ensure accountability for victims (Rwanda);**

24.306 **Establish a national mechanism to regularly monitor the impact of social and economic policies on disadvantaged groups of women such as women of African descent, elderly women, rural women and women with disabilities (Serbia);**

24.307 **Step up efforts to prevent violence against women (Georgia);**

24.308 **Continue to improve the legal and governmental mechanisms in the field of promotion and protection of women's rights and enhance their participation in all development fields (Syrian Arab Republic);**

24.309 **Increase the efforts that have been made to combat violence against women, and strengthen mechanisms of prevention, protection and attention to the phenomenon of violence against women (Timor-Leste);**

24.310 **Continue to implement measures to eliminate gender stereotypes in the national idiosyncrasy (Turkey);**

24.311 **Continue to encourage and promote greater access for women to leadership positions in all sectors of society (Viet Nam);**

24.312 **Take the necessary steps to highlight the activities of young people in the different sectors of society and their contribution to the country's development efforts (Algeria);**

24.313 **Continue adopting the necessary measures to promote the best interest of the child (Dominican Republic);**

24.314 **Continue efforts to promote the rights of children and the elderly (Morocco);**

24.315 **Ensure that national legislation is in accordance with the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Madagascar);**

24.316 **Pursue ongoing efforts to raise awareness of the provisions of the Convention on the Rights of the Child (Mauritania);**

24.317 **Revise current legislation in order to explicitly prohibit corporal punishment of children in all settings, including at home (Montenegro);**

24.318 **Continue applying and improving the cooperation project on disseminating the rights of children and adolescents, particularly at the local level (Nicaragua);**

24.319 Finalize the process of elaboration and adoption of a national plan for children for the period 2015–2030 (Gabon);

24.320 Continue to implement the national plan of action for children, adolescents and the family with regular monitoring (Sri Lanka);

24.321 Continue giving particular attention to the protection of the rights of the child (Turkey);

24.322 Guarantee the protection of girls, boys and adolescents against all forms of economic and sexual exploitation (Turkmenistan);

24.323 Continue the preventive assistance related to drug consumption in the field of education of children and youth (Turkmenistan);

24.324 Continue harmonizing national laws, including criminal justice, with the provisions established in the Convention on the Rights of the Child and its Optional Protocols (Uruguay);

24.325 Continue to support the participation of Cuban Paralympic athletes in national, regional and world sports events (Algeria);

24.326 Take further steps to protect the rights of persons with special needs (Bahrain);

24.327 Assess and improve, when necessary, the legal framework on the rights of persons with disabilities and promote their participation in national development (Belarus);

24.328 Continue to support the work, activities and programmes of Cuban organizations of persons with disabilities (Guinea);

24.329 Strengthen measures to improve the accessibility of persons with disabilities to buildings and other public spaces (Burkina Faso);

24.330 Continue the efforts to expand the access of persons with disabilities to literature in accessible formats, according to the different types of disabilities (Democratic People's Republic of Korea);

24.331 Continue improving comprehensive protection and social welfare programmes benefiting persons with disabilities and their families, including in the field of education (Ecuador);

24.332 Continue providing protection and social welfare to the mothers of children with severe disabilities, so that they can dedicate attention and care to their children as a remunerated activity which accumulates working time for their social security (Ecuador);

24.333 Prioritize public policies aimed at meeting the special needs of persons with disabilities (Islamic Republic of Iran);

24.334 Continue efforts to implement actions to strengthen the access of persons with disabilities to information and communications technology (Tunisia);

24.335 Continue its efforts to ensure that persons with disabilities enjoy equal access to employment (Yemen);

24.336 Continue applying immigration policy reforms that have equally benefited Cuban emigrants and Cubans travelling abroad (Namibia);

24.337 Maintain the current fair and dignified treatment of refugees and asylum seekers in the country (Namibia);

24.338 Continue to work with bilateral and multilateral partners for better protection of the rights of migrants (Philippines);

24.339 Continue taking further measures aimed at reducing cases of statelessness (Namibia).

25. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

Annex

Composition of the delegation

The delegation of Cuba was headed by H.E. Mr. Bruno Eduardo Rodriguez Parrilla, Minister of Foreign Affairs of the Republic of Cuba, and composed of the following members:

- H.E. Mr. Oscar Manuel Silvera Martinez, Vice-President of the Popular Supreme Court;
- H.E. Mr. Eldys Baratute Benavides, Member of the Cuban Parliament, President in Guantanamo of the "Asociacion Hermanos Saiz", Ministry of Culture;
- H.E. Mr. Pedro Luis Pedroso Cuesta, Ambassador, Permanent Representative, Permanent Mission of Cuba to the United Nations Office at Geneva and other international organizations in Switzerland;
- H.E. Mr. Rodolfo Reyes Rodriguez, Director General of the Multilateral Affairs and International Law Division, Ministry of Foreign Affairs;
- H.E. Mrs. Alba Soto Pimentel, Director, Europe and Canada Division, Ministry of Foreign Affairs;
- H.E. Mrs. Barbara Elena Montalvo Alvarez, Chief of Cabinet, Office of the Minister of Foreign Affairs;
- Mr. Rafael Angel Soler Lopez, Chief of the Citizen Services Division, Attorney General's Office;
- Mr. Luis Emilio Cadaval San Martin, Official, Ministry of the Interior;
- Mrs. Olga Lidia Perez Diaz, Director of Notary's offices, Ministry of Justice;
- Mrs. Miriam Lau Valdes, Director for International Relations and Communication, Ministry of Labour and Social Security;
- Mr. Jorge Juan Delgado Bustillo, First Deputy Director, Central Medical Cooperation Unit, Ministry of Public Health;
- Mr. Juan Antonio Quintanilla Roman, Chief of the Social and Humanitarian Affairs Department, Multilateral Affairs and International Law Division, Ministry of Foreign Affairs;
- Mrs. Claudia Perez Alvarez, Counsellor, Permanent Mission of Cuba to the United Nations Office at Geneva and other international organizations in Switzerland;
- Mr. Pablo Berti Oliva, First Secretary, Permanent Mission of Cuba to the United Nations Office at Geneva and other international organizations in Switzerland;
- Mrs. Ena Domech More, First Secretary, Permanent Mission of Cuba to the United Nations Office at Geneva and other international organizations in Switzerland;
- Mr. Alejandro Gonzalez Behmaras, Adviser, Multilateral Affairs and International Law Division, Ministry of Foreign Affairs;
- Mrs. Heidy Laura Villuendas Ortega, Adviser, Press, Communication and Information Division, Ministry of Foreign Affairs;
- Mrs. Belkis Romeu Alvarez, Third Secretary, Permanent Mission of Cuba to the United Nations Office at Geneva and other international organizations in Switzerland.

United Nations A/HRC/39/17

General Assembly

Distr.: General
10 August 2018

Original: English

Human Rights Council
Thirty-ninth session
10–28 September 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report of the Special Rapporteur on the rights of indigenous peoples

Note by the Secretariat

The Secretariat has the honour to present to the Human Rights Council the report of the Special Rapporteur on the rights of indigenous peoples, prepared pursuant to Council resolution 33/12. In the report the Special Rapporteur briefly refers to the activities undertaken since the submission of her last report, provides a thematic study on attacks against and the criminalization of indigenous human rights defenders and reflects on available prevention and protection measures. She concludes with recommendations on how various stakeholders can prevent violations and improve protection.

GE.18-13273(E)
1813273

Please recycle

Report of the Special Rapporteur on the rights of indigenous peoples

Contents

		Page
I.	Introduction	3
II.	Activities of the Special Rapporteur	3
III.	Attacks against and criminalization of indigenous peoples defending their rights	3
	A. Introduction	3
	B. Methodology	4
IV.	Normative framework	4
V.	Root causes and drivers behind attacks and criminalization	7
VI.	A global crisis unfolding	9
VII.	Individual and collective impacts	15
VIII.	Prevention and protection measures	16
IX.	Conclusions and recommendations	18
	A. Conclusions	18
	B. Recommendations	18

I. Introduction

1. The present report is submitted to the Human Rights Council by the Special Rapporteur on the rights of indigenous peoples pursuant to her mandate under Council resolution 33/12. In the report the Special Rapporteur briefly refers to the activities undertaken since the submission of her last report (A/HRC/36/46), provides a thematic study on attacks against and the criminalization of indigenous human rights defenders and reflects on available prevention and protection measures. She concludes with recommendations on how various stakeholders can prevent violations and improve protection.

II. Activities of the Special Rapporteur

2. Since she presented her last report to the Human Rights Council, the Special Rapporteur has carried out two official country visits: to Mexico from 8 to 17 November 2017 (A/HRC/39/17/Add.2) and to Guatemala from 1 to 10 May 2018 (A/HRC/39/17/Add.3).

3. A more detailed description of activities is contained in the Special Rapporteur's report to the General Assembly (A/72/186), in which she highlighted recent thematic work on indigenous peoples' right to self-governance; consultation and free, prior and informed consent; indigenous peoples in isolation and initial contact; country visits; communications; and other activities.

III. Attacks against and criminalization of indigenous peoples defending their rights

A. Introduction

4. The Special Rapporteur on the rights of indigenous peoples is gravely concerned at the drastic increase in attacks and acts of violence against, criminalization of and threats aimed at indigenous peoples, particularly those arising in the context of large-scale projects involving extractive industries, agribusiness, infrastructure, hydroelectric dams and logging. These violations are occurring in the context of intensified competition for and exploitation of natural resources, as observed during country visits and reflected in the increasing number of related allegations. In several countries, increased militarization adds to the threats against indigenous peoples. The Special Rapporteur has therefore decided to prepare a thematic report to draw attention to the escalation of these concerns.

5. The focus of the present report is on the distinctive characteristics of attacks against and criminalization of indigenous peoples defending their rights under the United Nations Declaration on the Rights of Indigenous Peoples and under human rights treaties, with emphasis on violations occurring in the context of development projects. In the report the Special Rapporteur considers the collective and individual impact on indigenous peoples and assesses the effectiveness of prevention and protective measures, identifying good practices and prevailing challenges with regard to protective measures for indigenous peoples. The Special Rapporteur notes that indigenous peoples are subjected to criminalization in a range of contexts including structural racism and discrimination, areas which may be the subjects of future analysis and reports.

6. In accordance with the mandate, the Special Rapporteur has continuously addressed in her country reports, communications to Governments, press releases and other public statements concerns over indigenous leaders and members of indigenous communities, and those who seek to defend their rights, who are subject to undue criminal prosecution and other acts, including direct attacks, killings, threats, intimidation, harassment and other forms of violence.

7. Concerns have also been raised by other United Nations human rights mechanisms, including other special procedures and human rights treaty bodies. The Special Rapporteur on the situation of human rights defenders has documented acts of violence, stigmatization and criminalization targeting persons engaged in the defence of environmental and land rights, including in many cases indigenous leaders and community members (A/71/281). While several reports in recent years have referred to the situation of criminalization and the risks environmental human rights defenders face, the reports have not specifically addressed these concerns through the optic of indigenous peoples' rights nor focused on the collective impact on indigenous communities (ibid.),[1] a lacuna the present report seeks to fill.

B. Methodology

8. In preparing the present report the Special Rapporteur has drawn from both primary and secondary sources. Information received first-hand during country visits as well as communications sent by the mandate on alleged violations have informed the report.[2]

9. In order to consult a broad range of actors, the Special Rapporteur launched a public call for inputs on the subject of attacks against and criminalization of indigenous peoples and their collective impact on communities and on the available prevention and protection measures. In response, over 70 written submissions were received, primarily from indigenous and human rights organizations from various regions, the majority from Latin America. The report also draws on a review of the wealth of reports on related aspects of the subject issued by civil society, human rights mechanisms, including regional human rights systems, and independent national human rights institutions.

10. Furthermore, the Special Rapporteur convened a two-day expert consultation in Geneva on 19 and 20 March 2018 on the issue of criminalization and attacks faced by indigenous peoples who seek to defend and assert their rights. The consultation provided a space for dialogue between representatives of indigenous peoples, civil society organizations and human rights mechanisms to address the particular risks faced by indigenous peoples, their causes and consequences as well as courses of action for improving the protection of indigenous peoples. In addition, a consultation with indigenous representatives took place in April 2018 on the sidelines of the Permanent Forum on Indigenous Issues.

IV. Normative framework

11. An understanding of the nature of indigenous peoples' rights is necessary to the discussion of the measures required to provide access to justice and reparations and other human rights guarantees in the context of attacks, criminalization and other acts faced by indigenous peoples as a consequence of their efforts to assert and defend their rights.

12. Attacks and criminalization affect a wide range of human rights. The causes and impacts of criminalization and violence affecting indigenous peoples must be understood and addressed within the particular framework of the United Nations Declaration on the Rights of Indigenous Peoples and international and regional human rights instruments. These international legal sources recognize indigenous peoples' rights to self-determination and to their traditional lands, territories and natural resources, self-government, cultures and ways of life. For indigenous peoples, most of these and other human rights are enjoyed collectively, reflecting the special relationship with their traditional lands, territories and natural resources which forms the basis of their collective identity and their physical, economic and cultural survival.

---

[1] See also Inter-American Commission on Human Rights, *Report on the Criminalization of Human Rights Defenders* (2015).

[2] Information on all communications sent by the mandate holders can be consulted at https://spcommreports.ohchr.org/.

13. The State's responsibility to protect the rights to life, liberty and security of person is enshrined in article 3 of the Universal Declaration of Human Rights, in articles 6 (1) and 9 (1) of the International Covenant on Civil and Political Rights and in article 7 of the United Nations Declaration on the Rights of Indigenous Peoples. Both negative and positive obligations are included: on the one hand, States must refrain from violating the rights of human rights defenders while on the other hand, they should act with due diligence to prevent and investigate human rights violations and bring the perpetrators to justice. Also of relevance is article 30 of the United Nations Declaration, which affirms that military activities shall not take place in the lands or territories of indigenous peoples unless justified by a relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.

14. Article 9 of the Covenant sets out the guarantees that no one shall be subjected to arbitrary arrest or detention and that no one shall be deprived of their liberty except on grounds established by law. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for their arrest and brought promptly before a judge and tried within a reasonable time or released. It shall not be the general rule that persons awaiting trial shall be detained in custody.

15. The right to due process and a fair trial enshrined in article 14 of the Covenant stipulates that all persons are equal before the courts, are entitled to a fair and public hearing by a competent, independent and impartial tribunal and have the right to be presumed innocent until proved guilty. Everyone has the right to be tried without undue delay, to free legal counsel and free assistance of an interpreter if they cannot understand the language used in court. The United Nations Declaration on the Rights of Indigenous Peoples sets out in article 13 that States shall take effective measures to ensure that the right to indigenous languages is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation. International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) specifies in article 10 that preference should be given to sanctions other than imprisonment when criminal punishments are imposed on indigenous persons.

16. Self-determination is an overarching right of utmost importance for indigenous peoples as it affirms their right to freely pursue their economic, social and cultural development. The right to self-determination is enshrined in common article 1 of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and in article 3 of the United Nations Declaration on the Rights of Indigenous Peoples. The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms recognizes the legitimacy of the defence of land rights by acknowledging the "valuable work" of human rights defenders in the elimination of violations, including those resulting from "the refusal to recognize the right of peoples to self-determination and the right of every people to exercise full sovereignty over its wealth and natural resources".

17. The failure to ensure land rights constitutes the core underlying cause of violations of indigenous peoples' rights. The United Nations Declaration on the Rights of Indigenous Peoples affirms the right of indigenous peoples to own and control their lands and territories in articles 25, 26, 27 and 32 while ILO Convention No. 169 enshrines territorial rights for indigenous peoples in articles 14–19.

18. The right to development is affirmed in several provisions of the United Nations Declaration on the Rights of Indigenous Peoples, notably in article 32, which states that indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources. The Declaration furthermore affirms that States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to adopting and implementing legislative or administrative measures that may affect them; their free and informed consent should also be obtained prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of

mineral, water or other resources (arts. 27 and 32). In its jurisprudence, the Human Rights Committee has underlined that indigenous peoples' right to participate goes beyond consultation: "participation in the decision-making process must be effective, which requires not mere consultation but the free, prior and informed consent of the members of the community".[3]

19. The rights to peaceful assembly and to freedom of association are set out in articles 21 and 22 of the International Covenant on Civil and Political Rights while the right to participation in the conduct of public affairs and decision-making is enshrined in article 25. The United Nations Declaration on the Rights of Indigenous Peoples furthermore affirms that indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions (arts. 5, 18, 20, 27 and 34).

20. The provision of and access to information are prerequisites to ensuring that indigenous peoples can participate in consultation processes. Article 19 (2) of the Covenant guarantees the right to "seek, receive and impart information" as part of the right to freedom of expression.

21. Before consultations can be carried out in relation to any proposed projects, States must ensure that human rights and environmental impact assessments have been undertaken. Binding legal obligations in this regard exist in the Convention on Biological Diversity (art. 14 (1) (a)), which requires States to undertake "environmental impact assessment of [their] proposed projects that are likely to have significant adverse effects on biological diversity with a view to avoiding or minimizing such effects and … allow for public participation in such procedures". The United Nations Framework Convention on Climate Change (art. 4 (1) (f)) similarly affirms the obligation for States to employ impact assessments of projects or of measures undertaken by them to mitigate or adapt to climate change, with a view to minimizing adverse effects on public health and on the quality of the environment. Both these treaties have almost universal adherence, with 196 and 197 parties, respectively.

22. The Rio Declaration on Environment and Development, adopted in 1992, sets out in principle 10 that everyone shall have access to information, including on activities in their communities, that States shall facilitate the opportunity to participate in the decision-making process and that effective access to justice, including redress and remedy in environmental matters, shall be provided. The United Nations Environment Programme (UNEP) has underlined the importance of these "access rights" in promoting transparent, inclusive and accountable environmental governance.[4]

23. The Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment has emphasized that in order to protect human rights, assessments of environmental impacts should also examine the possible impacts of proposed projects and policies on the enjoyment of all relevant rights, including the rights to life, health, food, water, housing and culture. Such assessments should provide meaningful opportunities for the public to participate, should consider alternatives to the proposal and should address all potential environmental impacts, including transboundary effects and cumulative effects that may occur as a result of the interaction of the proposal with other activities; the assessment should result in a written report that clearly describes the impacts; and the assessment and the final decision should be subject to review by an independent body (A/HRC/37/59). For indigenous peoples, this obligation requires that the information contained in the human rights impact assessment be available in their languages and in a culturally appropriate form.

24. The State's obligation to provide an effective remedy for human rights violations is enshrined in article 2 (3) (a) of the International Covenant on Civil and Political Rights. This requires that perpetrators be brought to justice and that victims be provided with

[3] *Poma Poma v. Peru* (CCPR/C/95/D/1457/2006), para. 7.6.

[4] "UNEP: implementing principle 10 of the Rio Declaration", UN Environment, 19 August 2016.

reparation.[5] The United Nations Declaration on the Rights of Indigenous Peoples (art. 40) affirms that indigenous peoples have the right to access to, and to prompt decisions through, just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such decisions shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and to international human rights.

25. Furthermore, article 8 of the United Nations Declaration on the Rights of Indigenous Peoples sets out the right to effective mechanisms for prevention of, and redress for, actions which have the aim or effect of dispossessing indigenous peoples of their lands, territories or resources. Article 10 stipulates that indigenous peoples shall not be forcibly removed from their lands unless they have provided their free, prior and informed consent. Should violations have occurred, victims have the right to fair redress, including restitution and compensation, and, where possible, the option of returning to their lands. When this is not possible, they are entitled to just, fair and equitable compensation for the lands, territories and resources which they have traditionally owned or otherwise occupied or used and which have been confiscated, taken, occupied, used or damaged. Compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress (art. 28).

26. Transnational corporations and other business enterprises should respect human rights, as set out in the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, which rest on three pillars: the State duty to protect against human rights abuses by third parties, including businesses; the corporate responsibility to respect human rights; and the need for access to an effective remedy for victims of business-related human rights abuses. Principle 18 requires that business enterprises identify and assess any actual or potential adverse human rights impacts through meaningful consultation with potentially affected groups as an integral part of their responsibility to respect human rights.

V. Root causes and drivers behind attacks and criminalization

27. The intensified competition over natural resources led by private companies, at times with government complicity, has placed indigenous communities seeking to protect their traditional lands at the forefront as targets of persecution.

28. As documented by the Special Rapporteur, instances of criminalization and violence arise, in most cases, when indigenous leaders and community members voice opposition to large projects relating to extractive industries, agribusiness, infrastructure, hydroelectric dams and logging. In other instances, indigenous peoples' ways of life and subsistence are deemed illegal or incompatible with conservation policies, leading to the prohibition of indigenous traditional livelihoods and the arrest, detention, forced eviction and violations of other human rights of indigenous peoples. This topic was explored in her report to the General Assembly (A/71/229). An additional emerging concern is the rush to undertake climate change adaption and mitigation measures which, unless they build in human rights safeguards, risk undermining the rights of indigenous peoples. The Special Rapporteur explored this issue in a previous report to the Human Rights Council (A/HRC/36/46).

29. Since she assumed the mandate, the Special Rapporteur has witnessed a number of large-scale projects first-hand, including during official visits to Brazil (A/HRC/33/42/Add.1), Guatemala (A/HRC/39/17/Add.3), Honduras (A/HRC/33/42/Add.2), Mexico (A/HRC/39/17/Add.2), the United States of America (A/HRC/36/46/Add.1) and the Sápmi region of Norway, Sweden and Finland (A/HRC/33/42/Add.3). She has heard numerous testimonies and continuously receives information, as part of her duties under the mandate to address communications on alleged

[5] Human Rights Committee, general comment No. 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant.

human rights violations, indicating the devastating impacts that certain projects have on indigenous peoples, resulting in serious negative impacts on their systems of government, social cohesion, livelihoods, environment, health and rights to food and water.

30. A crucial underlying cause of the current intensified attacks is the lack of respect for indigenous peoples' collective land rights and the failure to provide indigenous communities with secure land tenure, as this in turn undermines their ability to effectively defend their lands, territories and resources from the damage caused by large-scale projects. This is a concern that has been raised by the Special Rapporteur since the creation of the mandate in 2001. However, the urgency of addressing this situation is taking on a new dimension in view of the rapidly expanding encroachment by large-scale projects. Meanwhile, the important contribution indigenous peoples can make in terms of ensuring better conservation and climate change adaption and mitigation strategies addressed in recent reports (A/71/229 and A/HRC/36/46) cannot reach full potential if indigenous peoples' land rights are still being contested.

31. While some countries have adopted legislation protecting indigenous collective land rights, challenges still remain in ascertaining these rights in practice. Commonly, legislation pertaining to, for example, forestry, mining and the energy sector is not harmonized with indigenous peoples' territorial rights and these rights are disregarded to the benefit of commercial interests.

32. Disregard of indigenous rights of traditional lands ownership breeds tensions, subsequent violence and criminalization, as indigenous peoples become trespassers or illegal occupants of their own lands, subject to criminal charges such as "usurpation" or illegal occupation, and liable to forced evictions and removal from the lands they rely upon for their livelihoods, social and cultural cohesion and spiritual traditions. In the worst instances, escalating militarization, compounded by historical marginalization, results in indigenous peoples being targeted under national security acts and antiterrorism legislation, putting them in the line of fire, at times literally, by the army and the police (A/HRC/24/41/Add.3).

33. The priority of indigenous peoples is the protection of their traditional lands, territories and natural resources. Indigenous peoples question a purely commercial development model which disregards their rights and causes irreparable harm to the environment and the natural resources they depend on for their survival.

34. The Special Rapporteur is particularly concerned over the rapid increase in such projects, commonly funded through international and bilateral investment agreements, as the financial gains primarily benefit foreign investors who have little or no regard for the rights of local indigenous communities and environmental protection. All too often, these projects leave affected indigenous peoples further marginalized and entrenched in poverty as their natural resources are destroyed. Furthermore, the legal construct of projects funded through investment agreements is generally designed to exclude possibilities for affected communities to seek remedies and redress (A/70/301 and A/HRC/33/42).

35. The escalation of attacks against indigenous peoples is occurring in the context of a skewed power structure whereby private companies wield significant influence over States and ensure that regulations, policies and investment agreements are tailored to promote the profitability of their business. The complexity of corporate structures in the global economy represents a further challenge as intricate and opaque layers of ownership obstruct access to information and efforts to hold the private sector accountable for human rights due diligence.

36. The Special Rapporteur is gravely concerned at the global pattern of persistent disregard for the rights of indigenous peoples who are voicing concerns over the negative impacts of development projects on their lands. Such projects are frequently undertaken without consulting with the indigenous peoples concerned, nor is their free, prior and informed consent sought. When measures have been undertaken to consult with indigenous peoples, they have often been culturally inappropriate, lacked good faith and been driven primarily by an incentive to have already elaborated projects rubber-stamped, with no intention of allowing for genuine review or participation in their design and execution. All

too often, such so-called consultations have created divisions and undermined indigenous decision-making institutions.

37. The Special Rapporteur on human rights defenders has warned that the lack of information and transparency and opaque decision-making are not only major flaws in the implementation of large-scale development projects but also lead to the disempowerment and vulnerability of defenders and affected communities and seriously undermine the credibility and legitimacy of both State and non-State actors involved in the projects (A/68/262).

38. Indigenous peoples are increasingly challenging such projects through social mobilization and legal avenues. In retaliation for advocating for the protection of their lands, indigenous peoples are being accused of being obstacles to development and acting against national interests. Indigenous leaders and communities seeking to raise their concerns over the negative impacts of projects on their rights, livelihoods and the environment have been targeted in violent attacks. They have been killed, forcibly displaced, threatened and intimidated and subjected to insidious harassment in the form of criminal charges which are often nebulous, grossly inflated or fictitious. The aim of these attacks, whether violent or legal, is to silence any opposition by indigenous peoples to business interests and to prevent indigenous peoples from exercising their rights.

39. Even when indigenous peoples have managed to successfully challenge projects in court and when injunctions have been ordered, companies still plough ahead with projects in disregard of judicial orders to suspend them. The Special Rapporteur is furthermore deeply concerned that in recent cases, high courts have ordered consultations to take place after the initiation of large-scale projects in an attempt to claim, ex post facto, that international norms have been complied with. This is not in accordance with international standards on consultation and consent (see A/HRC/39/17/Add.3, para. 37).

VI. A global crisis unfolding

40. Recent studies by the Special Rapporteur on the situation of human rights defenders (A/71/281) and the Special Rapporteur on human rights and the environment[6] have raised alerts over "a global crisis" of attacks against environmental human rights defenders, highlighting that many of these defenders are members of indigenous communities.

41. In a report on human rights defenders killed worldwide in 2017, the authors document the murders of 312 defenders in 27 countries and indicate that 67 per cent of the persons killed were engaged in the defence of land, environmental and indigenous peoples' rights; nearly all the killings occurred in the context of megaprojects, extractive industry and big business. About 80 per cent of the killings took place in just four countries: Brazil, Colombia, Mexico and the Philippines.[7] Another source documented 200 killings across 24 countries in 2016 of people defending their land, forests and rivers against destructive industries. The authors concluded that almost 40 per cent of those murdered were indigenous and that Latin America accounted for more than 60 per cent of the killings.[8]

42. The Special Rapporteur has observed a disconcerting escalation of violent attacks through the mandate to issue communications and undertake fact-finding country visits. While the vulnerability of indigenous peoples to attacks while seeking to defend their lands has been a long-standing concern of the mandate, the drastic escalation of such acts in recent years is of grave concern. The Special Rapporteur has recorded a significant and rising number of such attacks in Brazil, Colombia, Ecuador, Guatemala, Honduras, India, Kenya, Mexico, Peru and the Philippines, not an exhaustive list. The same countries have been identified by other human rights mechanisms and civil society organizations that

[6] John Knox, *Policy Brief: Environmental Human Rights Defenders — A Global Crisis* (Versoix, Switzerland, Universal Rights Group, 2017).

[7] Front Line Defenders, *Annual Report on Human Rights Defenders at Risk in 2017* (Dublin, 2018).

[8] Global Witness, *Defenders of the Earth: Global Killings of Land and Environmental Defenders in 2016* (London, 2017).

monitor attacks against indigenous peoples, providing consistent indications that these countries represent particularly worrying situations; authorities of these countries have repeatedly been urged to take action to improve the protection of indigenous peoples but have failed to do so.

43. The situations in the countries named above are particularly worrisome; however, patterns of concern are also found in other countries, and it should be emphasized that the number of reported attacks do not provide the full picture as the ability to report cases is affected by several factors. Among these are the remoteness of indigenous communities, access to means of communication, linguistic diversity and lack of recognition of indigenous peoples as such. The strength of the national human rights civil society groups and the extent to which local human rights organizations liaise with indigenous organizations are other factors which affect reporting. It must be presumed that in large parts of the world, a significant number of attacks against indigenous defenders go unreported and never figure in the media.

44. While the killing of indigenous defenders represents the worst human rights violation, such attacks tend to occur in the context of violence and threats against them and their communities, including enforced disappearances, forced evictions, judicial harassment, arbitrary arrests and detention, limitations to the freedom of expression and freedom of assembly, stigmatization, surveillance, travel bans and sexual harassment.

45. Although some global estimates exist of the number of defenders who have been killed, there is no such information available on the extent to which judicial harassment and criminal charges are levied against indigenous peoples. The criminalization of indigenous peoples occurs in a variety of contexts and relies on a multitude of penal provisions. Commonly, criminal charges are brought against indigenous peoples who oppose large-scale projects and seek to inform and organize their communities, demanding access to information and the right to participate in consultations and to give their free, prior and informed consent. Leaders are targeted as a strategy to supress and silence the entire community.

46. Several situations where private entities have provided false information or filed unsubstantiated allegations against defenders have been brought to the attention of the Special Rapporteur. Reports indicate that judges and prosecutors have contributed to the misuse of criminal law by accepting false testimony, issuing warrants without sufficient evidence, allowing unfounded prosecutions to advance and improperly interpreting the law to incriminate indigenous defenders. While legislators may not be directly involved in criminalization, they contribute through the adoption of laws that unduly punish expressions of rights such as freedom of expression and assembly or pass legislation that includes vague definitions of criminal offences, including serious offences such as terrorism.[9] The Inter-American Court of Human Rights has raised concerns over biases and stereotypes in the reasoning in national jurisprudence regarding prosecutions of indigenous peoples under antiterrorist legislation in the case of the Mapuche people in Chile.[10]

47. Prior to the presentation of criminal charges, defamation and smear campaigns are often directed through social media against indigenous peoples, their leaders and communities, accusing them of being anti-development and acting against the national interest. Hate speech based on racism and discrimination fuels such discourse. In the worst cases, social media portray indigenous peoples as members of criminal gangs, guerrillas, terrorists and threats to national security. Defamation campaigns are often developed by business actors (see A/HRC/39/17/Add.2, para. 67), with the overt or covert support of corrupt government officials whose financial interests are affected by indigenous peoples' defence of their lands.

[9] Inter-American Commission on Human Rights, *Report on the Criminalization of the Work of Human Rights Defenders*, paras. 57 and 63–71.

[10] Inter-American Court of Human Rights, *Norín Catrimán and others v. Chile*, judgment of 29 May 2014, para. 228.

48. Multiple, broad and ill-defined criminal charges are often brought, including trespassing, usurpation, conspiracy, kidnapping, coercion, disturbance of public order and incitement of crime. In several countries a crime of aggravated usurpation is commonly brought against indigenous land rights defenders; transgressors are considered to have been caught in flagrante, which implies a restriction on the right to defence guaranteed in international human rights standards. It is widely reported that states of emergency are declared to suspend judicial guarantees and justify the suppression of peaceful social protests.[11]

49. At times, arrest warrants are issued on the basis of poor evidentiary standards and uncorroborated witness testimonies and where there are no clear links between the charges and the alleged acts. At times, the accusations fail to specify individual responsibility for the alleged acts, for example when arrest warrants are issued for several community members, accusing them all of being responsible for a single criminal act such as a murder without referring to their individual role; this would appear to be a form of collective punishment against an entire community. In some instances, arrest warrants are deliberately not executed but left pending, leaving the indigenous person affected under the perpetual threat of being arrested when it is deemed convenient for the authorities.

50. Procedural guarantees are frequently flaunted and indigenous peoples are particularly disadvantaged as they may not have the means to seek legal counsel. They are unlikely to be in a position to demand the assistance of an interpreter, as in most countries where indigenous languages are spoken interpretation is rarely or not available within the judicial system, nor do ordinary justice systems give much, if any, consideration to the customs, traditions and legal systems of indigenous peoples. The prosecution of indigenous individuals is characterized by prolonged periods of pretrial detention, at times lasting several years, especially in the case of indigenous leaders. The strategic objective is to deprive communities of their voice. Even if they are acquitted, indigenous individuals are rarely awarded remedies.

51. Indigenous institutions and organizations have also been subjected to illegal surveillance, registration and confiscations under various pretexts, such as the control of foreign donor funding. Laws imposing registration requirements and the control of funding of certain organizations weaken the ability of indigenous communities to mobilize and restrict the support they receive from civil society organizations. The strategy of silencing indigenous communities often extends to the civil society organizations and lawyers who seek to assist them: there have been cases of lawyers who represent indigenous communities being physically attacked and even victims of extrajudicial execution.

52. The administrative and legal challenges that indigenous peoples face in such situations require specific and targeted support from civil society and the international community that is different from the support they need when they are victims of threats or physical attacks. Criminalization is a sensitive issue for the international community, which does not want to be seen to be interfering in domestic legal processes. However, when supporting companies or Governments that engage in these practices, international actors such as multilateral development banks, international financial institutions or funds such as the Green Climate Fund risk contributing to and exacerbating criminalization.

53. In the preparation of the present report, the Special Rapporteur received information about hundreds of situations of attacks and criminalization taking place in many parts of the world. To highlight the overall deteriorating situation, she provides recent examples, emphasizing that they are not meant to be an exhaustive but, regrettably, only snapshots of the unfolding crisis. They do, however, give some insights into the current state of affairs.

54. The Special Rapporteur was particularly disturbed to observe the dire situation of indigenous defenders in Guatemala during her most recent official country visit in May 2018. A staggering seven indigenous leaders were killed during and shortly after her visit.

[11] Article 19, *A Deadly Shade of Green: Threats to Environmental Human Rights Defenders in Latin America* (London, 2016), p. 40; and Protection International, *Criminalisation of Human Rights Defenders: Categorisation of the Problem and Measures in Response* (Brussels, 2015), pp. 23–24.

They were killed in different locations by different means: some were shot in the head and in the back while others were stabbed in the throat and their bodies mutilated by machetes. All were representatives of two indigenous farmers' organizations advocating for land rights and political participation. The killings took place in a broader national context of a pernicious closing of spaces for civil society. The President of Guatemala has been publicly hostile to human rights organizations; draft legislation in parliament seeks to restrict the work of non-governmental organizations[12] and social media, driven by private actors, stigmatize indigenous peoples defending their rights, labelling them criminals and terrorists who are anti-development (see A/HRC/39/17/Add.3, paras. 54 and 58).

55. Added to this situation is the escalating number of criminal charges — reportedly in the hundreds — being filed in Guatemala against indigenous leaders and community members. The active participation of private entities in pressing charges implies that prosecutors and judges are colluding with companies and landowners in some of these cases. While in Guatemala, the Special Rapporteur visited several indigenous leaders in prison in retaliation for their land rights advocacy and attempts to litigate against large-scale projects on their territories. Arrest warrants have been issued for vague charges and in some instances on the basis of uncorroborated witness testimonies. The repeated suspension of hearings and the long periods of pretrial detention violate fair trial guarantees (ibid., paras. 52–58).

56. In Kenya, the mandate of the Special Rapporteur has long-standing concerns over the situation of several indigenous peoples, including the Sengwer, the Ogiek and the Maasai, in particular in relation to conservation and climate change projects. In the past two years, there has been an escalation of violence in the Embobut forest where the Kenya Forest Service has repeatedly evicted and burnt Sengwer homes and arrested community members.[13] These acts have taken place despite the fact that the Sengwer are in litigation challenging the evictions and a court injunction has been issued to prevent the evictions in the interim. Several Sengwer have been shot by the Kenya Forest Service, including a Sengwer herder who was killed in January 2018. The European Commission has funded a climate change project in the area, with the Kenya Forest Services among the recipients of funding. The Special Rapporteur issued a public call for the project to ensure respect for human rights and, within days, the European Commission decided to suspend the project pending an assessment of its human rights compliance.[14]

57. In the Philippines, indigenous peoples are stigmatized and suspected of being members of the communist New People's Army and have been subjected to attacks, forced displacements, arbitrary arrests and threats. Militarization has rapidly escalated in recent years and the number of extrajudicial executions has increased dramatically. Indigenous Lumad communities in Mindanao have been particularly targeted.[15]

58. In retaliation for having raised concerns over the escalating violence, in February 2018 the Special Rapporteur was herself mentioned, together with 30 other known advocates for indigenous peoples' rights and some 600 people in total, in a petition submitted by the Department of Justice requesting that a Manila court declare the Communist Party of the Philippines and the New People's Army terrorist and outlawed organizations. The petition claims that the named individuals are known officers and members of the organizations. The Special Rapporteur vigorously rejects these accusations as baseless and irresponsible. The stigmatization and defamation of human rights defenders jeopardize their security. The Special Rapporteur wishes to express her appreciation for the expressions of support and solidarity that she has received[16] and urges the international

[12] Office of the United Nations High Commissioner for Human Rights (OHCHR) and Inter-American Commission on Human Rights, "IACHR and OHCHR condemn murder of campaigners and activists supporting indigenous peoples and peasants in Guatemala", joint press release, 27 June 2018.

[13] See KEN 1/2017 and KEN 7/2017, available at https://spcommreports.ohchr.org.

[14] KEN 1/2018 and OTH 1/2018. See also OHCHR, "Indigenous rights must be respected during Kenya climate change project, say UN experts", press release, 15 January 2018.

[15] PHL 4/2015, PHL 8/2017, PHL 16/2017 and PHL 2/2018.

[16] Including from the Special Rapporteur on the situation of human rights defenders (OHCHR, "Accusations against UN expert a retaliation by Philippines, say fellow rapporteurs", 8 March 2018)

community to continue to monitor the situation and the safety of human rights defenders in the Philippines.

59. In Colombia, most killings of human rights defenders are taking place in rural areas where the Revolutionary Armed Forces of Colombia-People's Army (FARC-EP) was historically present and indigenous peoples are among the most affected (see A/HRC/37/3/Add.3, paras. 8–11). There is a persistent stigma associating indigenous peoples with guerrillas. Since the signing of the peace agreement between the Government and FARC-EP in 2016, some 50 indigenous leaders have been killed. Furthermore, the continued presence of the National Liberation Army and the increasing threats from and attacks by former paramilitary groups aggravate the situation. The Human Rights Ombudsman continues to raise early warning alerts of attacks and threats against indigenous peoples in various regions and the Constitutional Court has warned that a number of indigenous peoples in the country are at risk of extinction.[17] The Special Rapporteur has sent several communications on the killings of indigenous leaders by armed groups[18] and on arbitrary detentions, prosecutions and the excessive use of force by government forces against indigenous protesters.[19]

60. Brazil is by far the most dangerous country in the world for indigenous human rights defenders. During the Special Rapporteur's country visit to Brazil in 2016 (see A/HRC/33/42/Add.1, paras. 18 and 31), community members in Mato Grosso do Sul showed her bullet wounds on their bodies and took her to places where family members had been killed. They also recounted incidents of arbitrary arrests, torture and criminalization of their leaders. Both government and civil society organizations working with indigenous peoples provided her with disturbing accounts of a regular pattern of threats and intimidation by State and private actors.[20] Impunity is pervasive in relation to attacks, killings and intimidation of indigenous peoples and frequently arise in contexts where indigenous peoples attempt to assert their rights over their lands and go hand in hand with the criminalization of indigenous leaders.

61. During her visit to Honduras in 2015 (A/HRC/33/42/Add.2), the Special Rapporteur observed that criminalization frequently occurred in the context of peaceful protests against logging, mining or hydroelectric projects. Indigenous leaders have been tried for offences such as appropriation of land and damage to private property, among others. While in Honduras, the Special Rapporteur met with Berta Cáceres, who was subsequently killed because of her opposition to the Agua Zarca dam. Other indigenous Lenca defenders have also been attacked and killed.

62. The Special Rapporteur, together with other special procedure mandate holders, has sent several communications on the situation both to the Government of Honduras and to financial investors supporting the Agua Zarca dam project.[21] Several financial investors, including the Netherlands Development Finance Company-FMO, the Central American Bank for Economic Integration and Finnfund, suspended funding for the project. After a year-long probe, an investigative panel known as the International Advisory Group of Experts (GAIPE) concluded in November 2017 that Honduran State agents and senior executives of the hydroelectric company Desarrollos Energéticos Sociedad Anónima had colluded in the planning, execution and cover-up of the assassination of Berta Cáceres.[22]

---

and from the International Union for the Conservation of Nature, UNEP, the Saami Council, the European Parliament, the Permanent Forum on Indigenous Issues, the Committee on the Elimination of Racial Discrimination, the United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries, the Expert Mechanism on the Rights of Indigenous Peoples, the Center for International Environmental Law, Amnesty International, Front Line Defenders and others.

[17] See www.defensoria.gov.co/ and Constitutional Court order 004/09 of 26 January 2009.

[18] COL 1/2014 and COL 7/2016.

[19] COL 6/2016.

[20] BRA 7/2015, BRA 1/2016 and BRA 6/2016.

[21] HND 3/2014, HND 2/2016, HND 4/2016 and HND 4/2017.

[22] Roxanna Alphol and others, *Dam Violence: The Plan that Killed Berta Cáceres* (International Advisory Group of Experts, 2017).

63. Concerning India, allegations have been received about the failure to ensure free, prior and informed consent in the states of Jharkhand, Madhya Pradesh, Chhattisgarh and Telangana in the context of logging, mining and conservation projects affecting Adivasi lands and resources. In August 2017, 10 persons, among them 7 women, were arrested when they conducted a peaceful demonstration against the eviction of 40,000 families, among them Adivasi communities, as a result of the megaproject for the construction of the Sardar Sarovar dam in the Narmada river valley.[23] Concerns have been raised by the mandate in north-east India about Adivasis who have been attacked, stigmatized for alleged association with Maoist Naxalites and prosecuted under security legislation, including in the states of Chhattisgarh and Telangana.[24]

64. The Special Rapporteur visited Mexico in 2017 and observed that threats, harassment and criminalization of members of indigenous communities during consultation processes tended to undermine the "free" character of those consultations. For example, members of the Yaqui tribe have suffered various attacks, threats and criminalization for opposing the construction of an aqueduct and a gas pipeline, and for demanding consultations and that their free, prior and informed consent be sought for projects built in their territories. The indigenous leader Mario Luna was detained in 2014 on criminal charges of illegal deprivation of liberty and theft for leading community protests. Since his release he has continued to be threatened and attacked, despite calls from the National Commission for Human Rights of Mexico to ensure his protection and the requesting of precautionary measures in favour of the Yaqui community by the Inter-American Commission on Human Rights.[25] She also observed the serious situation of attacks and violence against indigenous communities in the Guerrero Mountains, the Sierra Tarahumara (Chihuahua) and Chiapas.

65. In Ecuador, concerns have been raised over several situations, including attacks against and criminalization of Sápara leaders including Gloria Ushigua on charges of terrorist acts, sabotage and obstruction for opposing petroleum exploitation on indigenous territories.[26]

66. In Thailand, indigenous livelihoods such as rotational farming and beekeeping have been banned and indigenous peoples have been evicted from lands declared "protected areas" despite evidence of the contributions of indigenous peoples' traditional livelihood practices to biodiversity conservation and climate change mitigation and adaptation (A/71/229, A/HRC/6/15/Add.3 and A/HRC/24/41/Add.3).

67. On 3 May 2017, the Supreme Court of Peru acquitted the Quechua defender Máxima Acuña de Chaupe, who had been charged with illegally occupying land. Due to her opposition to the Yanacocha mining company, she has been the victim of several attacks, intimidation, attempted evictions and judicial harassment. On appeal, she was acquitted of all charges and her land rights were recognized. The Special Rapporteur on the rights of indigenous peoples, together with other special procedure mandate holders, has sent several communications relating to Ms. Acuña de Chaupe's case[27] and has also expressed concern over the conviction of the Aymara leader Walter Aduriri, who was sentenced to seven years in prison in July 2017 on charges of causing disturbances in the context of protests against mining concessions in the Puno region of Peru.[28]

68. In Ethiopia, indigenous Anuak land rights defenders have been prosecuted under antiterrorist legislation and subjected to prison sentences, torture and solitary confinement.[29]

69. In 2012, authorities in the Russian Federation introduced a so called "foreign agent law". According to the law, non-governmental organizations must declare themselves

[23] IND 8/2017 and IND 9/2017.
[24] IND 1/2016 and IND 2/2017.
[25] MEX 10/2015 and MEX 7/2017.
[26] ECU 2/2017.
[27] PER 1/2014, PER 3/2015 and PER 1/2016.
[28] PER 9/2017.
[29] ETH 3/2016.

"foreign agents" if they exercise political activities and receive funds from abroad. The Russian Association of Indigenous Peoples of the North is the main indigenous umbrella organization. In 2012, the Ministry of Justice suspended its operations for three months on the grounds that the organization's rules were not in compliance with the new legislation. In 2014, two indigenous defenders were prevented from travelling from the Russian Federation to New York to take part in the World Conference on Indigenous Peoples and attempts were made to prevent two others from travelling.[30]

70. In 2016, thousands of protestors, including Native Americans, protested against construction of the Dakota Access Pipeline at the border of North and South Dakota, close to the Standing Rock Sioux Reservation in the United States of America. While Sioux leaders advocated for protests to remain peaceful, State law enforcement officials, private security companies and the North Dakota National Guard employed a militarized response to protests. More than 400 people were allegedly arrested, about 90 per cent of them from the Standing Rock Sioux tribe, including Chairman Dave Archambault II. Civil society organizations reported the use of excessive violence and humiliation during the arrests (see A/HRC/36/46/Add.1, paras. 63–74).[31]

VII. Individual and collective impacts

71. The targeting of indigenous persons affects both the individual members of indigenous communities as well as the communities as a whole. The killings of indigenous leaders and community members cause irreparable harm and damage the social fabric of indigenous peoples. Such attacks are undertaken with the express intent to silence their voices, disrupt their organization and impede their ability to express their concerns over matters affecting their communities. The remoteness of indigenous communities and their limited access to the State authorities responsible for providing protection and bringing perpetrators to account leave indigenous peoples particularly vulnerable.

72. The criminalization of indigenous community members also has widespread impacts which affect the accused person, their family and the broader community. Whereas in the case of killings, where the attackers may be acting on behalf of a private actor, in the case of prosecutions, State authorities are clearly and actively responsible for acts which stigmatize indigenous individuals and communities and place them at risk.

73. As previously noted, prosecutions of indigenous community members are often preceded by defamation campaigns, at times with racist or discriminatory overtones, which seek to discredit and undermine the legitimate right of indigenous peoples to participate and voice their opinion in matters that affect them and their lands, territories and resources.

74. At the individual level, by issuing arrest warrants for indigenous leaders on unsubstantiated and vague charges the State seeks to limit their ability to continue their important role as representatives of the community. Stigmatizing indigenous leaders by calling them criminals suggests that they are not reputable representatives of the community, causes personal humiliation and seeks to alienate them within the community and disrupt social cohesion. Further, alleging that they are criminals places them at significant risk of becoming targets of violent attacks. It can also result in restrictions on their freedom of movement and force them to either go into hiding within their territories or to abandon their communities and — depending on the level of threats against them — may oblige them to go into exile.

75. Prosecution of indigenous individuals has significant impacts both on their mental and physical well-being and on their economic situation. They are forced to invest time and financial resources in their defence and to pay for travel expenses, and attendance at court hearings puts them at risk of losing their livelihood. They will have reduced possibilities to defend the rights of their communities, as their resources and energies may be depleted in defending themselves against criminal charges.

[30] RUS 7/2012 and RUS 8/2014.
[31] USA 7/2016 and 14/2016.

76. Indigenous peoples are often held in detention facilities far from their families and communities. Extended pretrial detention and trials have long-term impacts on a family's livelihood, as the detained person may be the primary breadwinner or may miss planting or harvesting seasons. Having witnessed the impacts of prosecutions, other community members may feel constrained to discontinue advocacy on community concerns out of fear of retaliation and of being subjected to criminal charges themselves. In such cases, criminal prosecution will have succeeded in destabilizing the social and political organization of the indigenous communities concerned. Prosecution of indigenous traditional, cultural or spiritual leaders, who play a pivotal role in the continuation of their peoples' traditions and their social, political and cultural institutions, is of particular concern.

77. Even if criminal charges are eventually dropped, pretrial detentions may last extended periods of a year or more and for the individual, the stigma and loss of employment and family and community ties may be long-lasting and difficult or impossible to repair. Ultimately, acts of criminalization that disrupt the participation of indigenous peoples in defining priorities and strategies for the development and use of their lands or territories and other resources will result in increased marginalization and social inequalities.

78. Furthermore, indigenous women who are criminalized suffer gendered impacts. Smear campaigns tend to target indigenous women by spreading rumours that they are dishonourable women of poor reputation who violate indigenous traditions by engaging in public participation and advocacy on community concerns. The aim of such defamation is to disempower and alienate women from their families and communities. While the majority of indigenous individuals who face criminal charges are men, women bear the brunt of their absence as they have to single-handedly assume all responsibilities for securing resources to sustain the family, including food and the means to send their children to school. During her recent country visit to Guatemala, the Special Rapporteur met with numerous indigenous women whose husbands were detained and heard first-hand accounts of the dire consequences for the affected women and the families.

VIII. Prevention and protection measures

79. States must adopt measures to prevent and protect indigenous peoples. It is crucial in this regard to establish accountability for those responsible for attacks against indigenous peoples. The widespread impunity for violent acts against indigenous peoples globally continues to perpetuate their vulnerability and marginalization.

80. To prevent conflicts and attacks, it is imperative that authorities at the highest level recognize publicly the rights of indigenous peoples and, in particular, their right to self-determination, including the right to determine priorities for the development or use of their lands or territories and other resources. As stipulated in article 32 of the United Nations Declaration on the Rights of Indigenous Peoples, States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

81. Enabling a safe environment for indigenous peoples to advocate for their rights is key. Some countries have adopted legislation, policies and programmes to provide protection mechanisms for human rights defenders, including indigenous leaders and defenders. In Latin America, five countries (Brazil, Colombia, Guatemala, Honduras and Mexico) have created national protection programmes which, to varying degrees, provide protection measures for defenders. Recent assessments of these programmes have highlighted the importance of adopting collective and culturally appropriate protection

measures for indigenous peoples and the need to consider prevention aspects and to address root causes of violence (see A/HRC/39/17/Add.2, para. 68).[32]

82. The Special Rapporteur encourages States where protection programmes exist to strengthen them and other States to adopt national policies and legislation in favour of human rights defenders and establish protection programmes. The actual protection measures need to be culturally appropriate, consider gender aspects and be developed jointly with the communities concerned. An example of a measure adapted to the requests of an indigenous community is the designation of local "indigenous guards" in Colombia, with financial support from the national protection programme, which replaces police protection for the beneficiary (see A/HRC/37/3/Add.3, para. 21). The distribution of solar-powered telecommunications in remote areas to enhance protection is another measure useful for indigenous communities.

83. Indigenous communities have developed their own protection strategies and lessons should be drawn from such measures. In some countries, indigenous defenders have created local and regional support networks which allow for reflection, information exchange, legal advice, situation analysis and strategic planning on how to improve protection in their communities.[33] Certain indigenous peoples have established their own monitoring systems in their territories to prevent violent attacks and access by unauthorized third parties. Other indigenous communities have successfully claimed customary land rights and, through demarcation processes, have managed to halt forced evictions and reduce threats against their communities. Still others have managed to halt permits for large-scale projects by means of injunctions where courts decided in their favour on the grounds of the failure to consult them and obtain their free, prior and informed consent. Overall, in order for indigenous-led protection systems to be more effective there is a need to strengthen their own governance systems.

84. At the regional level, the importance of the precautionary and provisional measures requested by the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights are of significant importance as they underline the State's responsibility to ensure the protection and safety of indigenous communities and individuals in imminent danger. The Special Rapporteur deeply regrets that, despite these measures at the regional level, national protection measures are often inadequate, as sadly illustrated by the murder of several indigenous leaders and by the ongoing attacks and threats, for example against the Choréachi and Yaqui communities in Mexico, all of whom had been granted such measures.

85. The landmark judgment by the African Court on Human and Peoples' Rights issued in May 2017 in favour of the Ogiek peoples in Kenya affirms the Ogieks' collective rights to the Mau Forest and sends a strong signal in the region that indigenous land rights are to be protected and forced evictions halted.[34]

86. On 3 July 2018, the European Parliament adopted a resolution on violation of the rights of indigenous peoples in the world, in which it denounced the continuing criminalization of those who defend the rights of indigenous peoples and the right to land throughout the world. In the resolution the European Parliament emphasized that the European Union and its member States must raise the question of the human rights of indigenous peoples and indigenous human rights defenders in bilateral and multilateral negotiations and diplomatic communications and push for the release of imprisoned human rights defenders, and called for the European Union and its member States to work to

[32] See also Inter-American Commission on Human Rights, *Towards a Comprehensive Policy to Protect Human Rights Defenders* (2017) (in Spanish; English version forthcoming); and Protection International and Center for Justice and International Law, *The Time is Now for Effective Public Policies to Protect the Right to Defend Human Rights* (Brussels/San José, 2017), pp. 106–111.

[33] Peace Brigades International, *I Think, Therefore I Resist: Grassroots Experiences of Alternative Protection and Promotion of Human Rights in the Context of Large-Scale Economic Investments* (London, 2016).

[34] African Court on Human and Peoples' Rights, *African Commission on Human and Peoples' Rights v. Republic of Kenya* (application 006/2012), judgment of 26 May 2017.

ensure that third-country Governments provided appropriate protection to indigenous communities and human rights defenders, and bring perpetrators of crimes against them to justice.[35] The Special Rapporteur welcomes the strong public stance taken by the European Union, which can play an important role in preventing violations.

87. At the international level, in March 2018 UNEP adopted a policy entitled "Promoting greater protection for environmental defenders" which identifies violations against indigenous peoples as a key concern which urgently requires prevention and protection measures to be stepped up. The policy provides for the establishment of a rapid response mechanism to speak out on individual cases and to advocate for the rule of law in environmental matters. UNEP simultaneously launched the Environmental Rights Initiative which urges Governments to strengthen institutional capacities to develop and implement policy and legal frameworks that protect environmental rights and that aims to assist businesses to better understand their environmental rights obligations.[36]

88. Another prevention initiative at the global level is the Framework of Analysis for the Prevention of Atrocity Crimes developed by the United Nations Special Advisers on the Prevention of Genocide and on the Responsibility to Protect as a guide for assessing the risk of genocide, crimes against humanity and war crimes from an early warning perspective. With the help of the Framework, various actors can sound the alarm, promote action, improve monitoring or early warning by different actors and help Member States to identify gaps in their atrocity prevention capacities and strategies. The Offices of the Special Advisers use the Framework to collect information and conduct assessments of situations that could potentially lead to atrocity crimes or their incitement.[37]

IX. Conclusions and recommendations

A. Conclusions

89. **States carry the primary responsibility for ensuring that indigenous peoples are able to safely exercise their rights and that accountability is established for violations against indigenous defenders. Concerted action is urgently needed to halt the trend of attacks, criminalization and impunity for those who commit violations against indigenous peoples.**

90. **Large-scale development projects are major drivers fuelling the escalation of attacks and the criminalization of indigenous peoples. The frequent undertaking of such projects without genuine consultation or measures to seek the free, prior and informed consent of the indigenous peoples concerned must cease. Indigenous peoples are not against development, but they reject "development" models which have been imposed on them without their participation and undermine their rights to self-determination and their right to set their own priorities for the development of their lands, territories and resources.**

B. Recommendations

91. **The Special Rapporteur addresses the following recommendations to States:**

(a) **All violent attacks against indigenous defenders must be promptly and impartially investigated and measures taken to provide for effective redress and reparation;**

---

[35] See www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2018-0279+0+DOC+XML+V0//EN.

[36] See www.environmentalrightsinitiative.org.

[37] See www.un.org/en/genocideprevention/documents/publications-and-resources/Framework%20of%20Analysis%20for%20Atrocity%20Crimes_EN.pdf.

(b) A zero-tolerance approach to the killing of and violence against indigenous human rights defenders must be adopted at the highest level of Government. All public officials must refrain from stigmatizing indigenous communities affected by large-scale development projects and those defending their rights, and recognize that their concerns are legitimate components in a process aimed at securing sustainable development;

(c) States should ensure that legislation creates due diligence obligations for companies registered in their jurisdictions and those of their subsidiaries where there is a risk of human rights violations against indigenous peoples;

(d) Addressing criminalization requires a comprehensive review of national laws, the adoption of laws to ensure due process and the revocation of laws and criminal procedures that violate the principle of legality and contradict international obligations. Legislation that criminalizes indigenous livelihoods such as rotational agriculture, hunting and gathering should be repealed;

(e) Legislation and policies should be adopted to expressly support the protection of indigenous defenders and communities. Protection measures should ensure that both individual and collective protection aspects are addressed in practice, in close consultation with the indigenous peoples concerned. Indigenous-led protection initiatives should inform the design of all measures that are adopted by authorities in favour of indigenous communities at risk;

(f) In order to address the root causes of attacks and criminalization, collective land rights of indigenous peoples need to be recognized. This requires, inter alia, accessible, prompt and effective procedures to adjudicate land titles; the review of laws on expropriation; adequate mechanisms to resolve land disputes; effective protection from encroachment, including through early warning systems and on-site monitoring systems; and the prohibition of forced evictions;

(g) Law enforcement officials and prosecutors should be trained on human rights standards and refrain from the criminalization of indigenous peoples who are peacefully defending their rights to lands and resources;

(h) In order to implement the right to consultation and to free, prior and informed consent, such processes need to be based on good faith. It is indispensable that indigenous peoples be afforded genuine participation and access to information in a culturally appropriate manner in a language they understand. This requires their involvement at all phases, including human rights impact assessments, project planning, implementation and monitoring.

92. The Special Rapporteur recommends that independent national human rights institutions closely monitor complaints relating to large-scale development projects through regular dialogue with and visits to affected indigenous communities at risk of attacks.

93. The Special Rapporteur recommends that private companies:

(a) Exert human rights due diligence in all operations and adopt clear policy commitments to that effect;

(b) Perform ongoing human rights impact assessments for all projects, with the full participation of potentially affected indigenous communities;

(c) Avoid any acts of defamation which stigmatize indigenous peoples.

94. The Special Rapporteur recommends that international financial institutions and donors, as well as State agencies that provide international assistance, should adopt and implement environmental and social safeguards that are consistent with human rights obligations, including by:

(a) Requiring human rights impact assessments of all projects;

(b) Including specific protections for indigenous peoples;

(c) Requiring the effective participation of affected indigenous communities;

(d) **Providing for effective procedures to pursue remedies.**

95. **The Special Rapporteur recommends that the international community monitor whether human rights impact assessments are conducted and whether specific attention is given to the participation and protection needs of indigenous communities. Accountability mechanisms should be supported.**

96. **The Special Rapporteur recommends that civil society continue to provide support and legal advice and facilitate the sharing of experiences in relation to protection measures for indigenous people.**